

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7718 of 2018

Arising Out of PS.Case No. -149 Year- 2017 Thana -BUXAR MUFFSIL District- BUXAR

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Vinod Kumar Upadhayay @ Vinod Kr. Upadhayay @ Vinod Kr. Upadhyay
S/o Ram Govind Upadhayay, R/o Village- Kabirpur Khurd, Bhanwarkol,
P.S.- Bhanwarkol, Kundasar, District- Gajipur (Uttar Pradesh).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nil Kamal, Advocate.
For the informant : Mr. Suraj Narayan Yadav, Advocate.
Mr. Umesh Prasad, Advocate.
For the Opposite Party/s : Mr. Rajendra Nath Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 24-04-2018 Heard learned counsel for the petitioner, learned
counsel for the informant and learned counsel for the State.

The petitioner apprehends his arrest in **Buxar (M)**
P.S. Case No. 149 of 2017 instituted for the offence under
Sections 406 and 420 of the Indian Penal Code.

Detailed Supplementary affidavit has been filed on
behalf of the petitioner. Let it be kept on the record.

Learned counsel for the petitioner has submitted that
the land mentioned in the First Information Report is on Sasaram
Buxar main road and its value is Rs.6-8 lakhs per kattha. It has
further been submitted that he has already executed sale deed in
respect of 5 katthas of land in favour of father of the informant



Vakil Pandey and one Surendra Pandey. There was no agreement for sale between this petitioner and the informant. It has been submitted that for the same piece of land a Title Suit No. 372/220 of 2016 is pending.

Learned counsel for the informant has appeared and submitted that petitioner has sold the land as mentioned in the written report after receiving the amount to some other person.

This Court finds that this is a matter of purely civil dispute and civil remedy is available to the informant for redressal of his grievance.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Buxar (M) P.S. Case No. 149 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned **Chief Judicial Magistrate, Buxar**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the



court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

S.Ali/-

(Sanjay Priya, J)

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