

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34553 of 2018

Arising Out of Case No. -1905 Year- 2017 -MUZFFARPUR COMPLAINT CASE District-
MUZAFFARPUR

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1. Devi Prasad Gupta @ Devi Lal, S/o Sri Lakshman Prasad Gupta,
Resident of Mohalla- Choti Saraiyaganj, Town- Muzaffarpur, P.S.- Town,
District- Muzaffarpur (Bihar). Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Renu Agrawal, W/o Sushil Agrawal, Mohalla Ezazi Marg, Tilak
Maidan Road, P.S.- Town, District- Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Om Prakash

For the Opposite Party/s : Mr. Sri Parmanand Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 02-07-2018

Heard both sides.

The petitioner apprehends his arrest in connection with Complaint Case No. 1905/2017 for the offences punishable under Section 384, 446, 323, 504, 506 of the Indian Penal Code.

The complainant alleged that she purchased 2.8 decimal of land from one Satish Kumar Chandana and got her name mutated but the accused parked his truck in the premises of the complainant and asked the complainant to transfer ¼ of land in his name.

The learned counsel for the petitioner submits that true facts are that the petitioner took lease of plot no. 359 Khata no. 213 fully described in the lease deed (Annexure-2) from Sitaram Gupta in the year 2001. Devi Prasad Gupta sold the same land to Satish Kumar Chandana and Satish Kumar Chandana sold the land to complainant. The lease deed of the petitioner is existing and petitioner is in possession of land by virtue of lease deed till 2025. The complainant lodged this criminal case only to



put undue pressure so that petitioner may vacate the land. It is further submitted that a proceeding under section 144 of the Cr. P.C. was initiated vide case no. 336/2018 and the rule was made absolute against Kunal Agrawal and others.

Considering the facts that there appears to be land dispute between the two sides, the petitioner got the lease deed of the land from Sitaram Gupta but later on Sitaram Gupta sold the land to different persons including the complainant and dispute arose for getting vacant possession of land, the petitioner above named in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/ production of a copy of this order is directed to be enlarged on 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, Muzaffarpur, in connection with Complaint Case No. 1905/2017 subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

BKS/Rajan

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