

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.62146 of 2018

Arising Out of PS.Case No. -703 Year- 2017 Thana -KAHALGAON District- BHAGALPUR

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Gulab Chand Choudhary @ Kapil Muni Choudhary, Son of late Yugal Kishor Choudhary, Resident of Babutola Maya Niketan, P.S. Kahalgaon, and District-Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Awdhesh Kumar Choudhary@ Lalan Choudhary Son of late Birendra Prasad Choudhary Resident of Babu Tola, Maya Niketan, P.S. Kahalgaon and District- Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madan Mohan

For the Opposite Party/s : Mr. Sri Suresh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 08-10-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 419, 420, 406, 467, 468, 323, 504 and 506 of the Indian Penal Code.

The prosecution case, as per the informant Awadhesh Kumar Choudhary, is to the effect that that since the petitioner's daughter was suffering from cancer, for her medical assistance, he took Rs.1,45,000/- and in lieu thereof he mortgaged 66 decimals of land. It is further alleged that, in fact, the land in question was subject matter of Title Suit No. 128 of 2005 but the same was disposed of in July, 2017, but maliciously



the petitioner entered into an agreement with regard to the said land.

It is submitted by learned counsel for the petitioner that the petitioner entered into an agreement prior to disposal of the title suit, which was disposed of in July, 2017 but the petitioner entered into an agreement in 2010. It is further submitted that the petitioner is ready to return the money. Moreover, the informant has filed a suit for specific performance being Title Suit No. 122 of 2017. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the accusation is specific against the petitioner.

Considering the accusation arising out of civil nature of dispute and suit for specific performance is pending coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate,



Bhagalpur in connection with Kahalgaon P.S. Case No. 703 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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