

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15560 of 2019

Arising Out of PS. Case No.-1261 Year-2017 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Sudhir Kumar Gupta, Son of Late Ramjee Prasad Gupta, Resident of Village-
Kharika, Police Station- Sonapur, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunita Devi, Wife of Birendra Bhagat, Resident of Village- Sahadulpur @
Chakki Chandwara, Police Station- Ahiyapur, District- Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satya Prakash
For the Opposite Party/s : Mr.Aditya Narayan Singh.1

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

7 06-08-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Complaint Case No.1261 of 2017, corresponding to Tr. No.03 of
2018, for the offence punishable under Sections 323, 341,
354/34 of the Indian Penal Code.

The allegation against the petitioner, as per the
complaint is that petitioner took a sum of Rs.40,000/- as
advance for sale of the plot bearing khata No.154, Khesra No.33
area-10 dhurs, situated at village-Karnpura, Vaishali having a
total consideration amount of Rs.16 lakhs. It has further been
alleged that on 26.05.2017, the petitioner along with other



accused persons visited the house of the complainant and demanded a sum of Rs. 1 lakh as advance, thereafter the complainant handed over Rs.35,000/- in the hand of the petitioner and further on 29.05.2017, accused person again came at the house of the complainant and demanded Rs. 2 lakhs and when the complainant asked to execute the sale deed then the complaint was assaulted by the petitioner as well as other accused persons.

Mr. Naresh Dixit, learned counsel appearing for the petitioner submits that petitioner has falsely been implicated in a mala fide complaint inasmuch as there is no chit of paper to show that sum of Rs. 40,000/- was paid to the petitioner by the complainant. He further submits that the value of the land is one cores and it is highly unbelievable that petitioner will visit and demand Rs. 1 lakh and Rs. 2 lakhs for this land.

On the other hand, Mr. Dharmendra Kumar Paswan, learned counsel appearing for the complainant, i.e., Opposite Party No.2, submits that when the complainant asked the petitioner to execute the sale deed, she was assaulted and money, given by the complainant, has been kept by the petitioner illegally.

After having heard learned counsel for the petitioner as well as learned counsel appearing for the informant and



learned counsel for the State and taking into consideration the fact that no agreement is there between the petitioner as well as the complainant-Opposite Party No.2 to show that there was any agreement for sale between the two and further there is no proof of payment of sum of Rs. 40,000/- in favour of the petitioner by the complainant, as such, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by him, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Deepak Kumar, learned Judicial Magistrate, 2nd Class, Muzaffarpur, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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