

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76927 of 2018

Arising Out of PS. Case No.-2655 Year-2016 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Shambhu Choudhary Son of Late Gopaljee Choudhary, Resident of Village-
Kanhauri Vishundatt, Near BMP- VI, P.S.- Mithanpura, District- Muzaffarpur.
... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Madhu Choudhary, Wife of Rajendra Choudhary, Resident of Mohalla-
Kanhauri Bishundatt, Bawanbiga, Road No. 12, PS- Mithanpura, District-
Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prabhat Kumar
For the Opposite Party/s : Mr.Sri Rajballabh Singh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 21-01-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of
Complaint Case N0. C-2655 of 2016, disclosing offences under
Section 420 of the Indian Penal Code.

The allegation in the complaint petition is that the
petitioner as a power of attorney holder had executed a sale
deed in respect of a piece of land in favour of the complainant
on 06.06.2006. It is the case of the prosecution that no such land
as has been transferred by the petitioner under registered sale
deed exists and, therefore, the conduct of the petitioner amounts
to commission of the offence under Section 420 of the Indian
Penal Code. I find substance in the submission made on behalf



of the petitioner that there has been delay of ten years in lodging the complaint petition after registration of sale deed for which there is no explanation.

Considering the facts and circumstances and the fact that the complaint petition has been filed after execution of the registered sale deed, this application is allowed.

Let the petitioner above named in the event of his arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Muzaffarpur in Complaint Case No. C-2655 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

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(Chakradhari Sharan Singh, J)

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