

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29411 of 2019

Arising Out of PS. Case No.-91 Year-2019 Thana- ARA NAWADA District- Bhojpur

Madan Rai @ Madan Yadav, Son of late Ram Babu Rai, R/O Village
Ahirpurwa, P.S.- Ara Nagar, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shiv Prasad Gupta
For the Opposite Party/s	:	Mr.Rajeev Nayan(APP)
For the informant	:	Mr. Pravin Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 16-08-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Ara Nawada P.S. Case No.91 of 2019 arises from Complaint
Case No.24C of 2019 for the offence punishable under Sections
420, 467, 468, 471, 34 of the Indian Penal Code.

The allegation against the petitioner as per the First
Information Report is that petitioner illegally sold the land
belonging to the informant on the basis of false genealogical
table.

Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case and he has not
committed any offence in the manner alleged. Learned counsel



further submits that on the basis of Annexure-2 which is part of the supplementary affidavit filed by the petitioner that the Assistant Measurement Superintendent, Bhojpur at Ara in a Objection Case No.179 of 2011 has held that petitioner is the descended of Bisheshwar Gwala and the claim of the petitioner upon the land in question is valid.

Learned counsel submits that the name of the petitioner has been directed to be corrected in the revenue record by learned Assistant Measurement Superintendent, Bhojpur at Ara by his order dated 21.01.2012. Learned counsel further submits that after this order, he sold land in favour of the bona fide purchaser and the informant has filed a Title Suit bearing Title Suit No.118 of 2018 which is pending before the Court of Sub Judge I, Bhojpur at Ara.

On the other hand, learned counsel appearing for the informant vehemently opposes the prayer for bail and submits that the petitioner has taken a plea that the petitioner has got this land by way of gift deed given in his favour and contrary to the stand, the petitioner is relying upon some order passed by Assistant Measurement Superintendent Bhojpur at Ara. Learned counsel further submits that petitioner himself is taking contradictory stand and does not deserve the privilege of



anticipatory bail.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that dispute between the parties is for a piece of land and the same is civil in nature and further title suit is pending between the parties before the learned Sub Judge Ist, Bhojpur at Ara, 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 learned Chief Judicial Magistrate, Bhojpur at Ara, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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