

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34535 of 2019

Arising Out of PS. Case No.-131 Year-2019 Thana- GOPALGANJ TOWN District-
Gopalganj

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Raghav Chaudhary @ Radhav Chaudhari Son of Banarasi Chaudhary
Resident of Village- Banjari, Police Station- Gopalganj, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jai Shanker Prasad
For the Opposite Party/s : Mr.Mukeshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 28-05-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner has filed the instant application for anticipatory bail apprehending his arrest in connection with Gopalganj P.S. Case No. 131 of 2019 registered for the offences under Sections 419,420,120B/34,467,468,471 and 474 of the Indian Penal Code.

The substance of the allegations in the FIR are that the informant was allotted a flat by the Housing Board in the year 1992. It is alleged that the petitioner started making claims on the said flat on the basis of the judgment and decree in Title Suit No. 586 of 2002. As per the FIR, the said judgment and decree had been obtained by the petitioner by playing fraud with Court.



It is submitted by learned counsel for the petitioner that the allegations as made in the complaint petition which relates property dispute, are completely false and concocted. The matter is purely of civil nature and so far as the decree of Title Suit No. 586 of 2002 is concerned, the informant has already filed another Title Suit No. 917 of 2018 for declaring the judgment of Title Suit No. 586 of 2002 as null and void and the same is pending before the competent Civil Court.

Learned APP for the State opposes the application for anticipatory bail submitting that the allegations against the petitioner are serious in nature.

Having heard the learned counsel for the petitioner and the learned APP for the State and having gone through the records, it transpires that the informant has already taken steps for setting aside the judgment of Title Suit no. 586 of 2002 by filing another Title Suit no. 917 of 2018. Thus, I am inclined to enlarge the petitioner on bail. Let the petitioner namely, Raghav Chaudhary @ Radhav Chaudhari surrender in the Court below within six weeks from today. In case of his arrest or surrender, the petitioner is directed to be enlarged on bail on furnishing bail bond of Rs 10,000.- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



the learned Chief Judicial Magistrate, Gopalganj in connection with Gopalganj P.S. Case No. 131 of 2019 subject to the conditions as laid down in Section 438 (2) of Criminal Procedure Code.

(Partha Sarthy, J)

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