

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52479 of 2019**

Arising Out of PS. Case No.-2233 Year-2018 Thana- SIWAN COMPLAINT CASE District-
Siwan

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PARMESHWAR PRASAD Son of Late Mungalal Sah Resident of Village-
Nayakila, Agrawal Toli, Siwan, Police Station- Siwan, Town, District- Siwan

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Rameshwar Prasad Son of Late Mungelal Singh Resident of Mohalla-
Nayakila , Agrawal Toli, Siwan, Police Station- Siwan Town, District- Siwan

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhaneshwar Prasad Gupta

For the Opposite Party/s : Mr.Humayou Ahmad Khan

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 26-08-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application has been filed for cancellation of anticipatory bail granted to Opposite Party No. 2 by order, dated 03.07.2019, passed by 3rd Additional Sessions Judge, Siwan, in A.B.P. No. 1170 of 2019, arising out of Complaint Case No. 2233 of 2018, on the ground that the learned Court below has not considered the facts in correct perspective.

Learned Counsel for the petitioner submits that the finding of the learned Court below in penultimate paragraph of the order impugned that holding no. 705 was sold to Santosh Kumar while in Title Suit No. 67 of 1983, holding no. 605 is



mentioned. He, accordingly submits that this is misconception of fact under which the learned Court below has granted anticipatory bail to the Opposite Party No. 2.

After having heard learned Counsel for the parties and taking into consideration the fact that it appears that the Opposite Party No. 2 had sold the land belonging to the petitioner in the year 1979 and it also appears that there was a compromise arrived at between the parties in the year 1983 and the allegation is that the share allotted to the petitioner has clandestinely been sold by the Opposite Party No. 2 in favour of others. After going through the facts of the case, it appears that the dispute between the parties is civil in nature and the learned Court below has rightly allowed the Opposite Party No. 2 privilege of anticipatory bail. Accordingly, I am not inclined to interfere with the order impugned.

This application is dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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