

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12273 of 2020

Arising Out of PS. Case No.-3032 Year-2018 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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UDAY SHANKAR PRASAD S/O Late Jagdish Mahto R/O Village - Akbar
Malahi, P.S. - Sarai, District - Vaishali.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Kailash Devi W/O Late Jagdish Maho R/O Village - Akbar Malahi, P.S. -
Sarai, District - Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi, Adv.

For the Opposite Party/s : Mr.Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

2 09-07-2020 Heard learned counsel for the petitioner and learned
APP for the State, through video conferencing.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Complaint Case No. 3032 of 2018, registered under sections 420, 467, 468 and 471 of the Indian Penal Code wherein cognizance has been taken under section 420 of the Indian Penal Code.

As per allegation in the complaint, it is stated by the complainant that on the pretext of getting benefit under the Indira Aawas Yojna, the petitioner who happens to be the son of the complainant, took the complainant to the registry office and



got her to execute a sale deed with respect to seven decimal land and usurp the total consideration amount of Rs. 4.320 Lac. It is further stated that he also took away the total amount from her bank account after getting an ATM card made. He threatened to assault. It is finally stated that as a result of conspiracy the petitioner has disposed of movable and immovable property.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the FIR are false and concocted. It is submitted that the petitioner has been falsely implicated in the case at the instance of his elder brother namely, Umashankar Prasad, who is on inimical terms with the petitioner over property dispute in the family. It is further submitted that the complainant, mother of the petitioner, is an illiterate lady and no ATM Card has been issued by the UCO Bank, Sarai Branch to her. Further submission on behalf of the petitioner is that both the sale deeds were executed on 20.5.2016, however, money withdrawal from the account is stated to have been taken place on 15.1.2018 but the complaint was filed on 31.10.2018 without making vendees to the sale deed as a party. The petitioner has no criminal antecedent. It is finally submitted that learned Court has not taken cognizance under sections 467, 468 and 471 of the



Indian Penal Code.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of eight weeks from today and in the event of his arrest or surrender in connection with Complaint Case No. 3032 of 2018, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. XIII, Vaishali at Hajipur subject to the condition as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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