

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14666 of 2020

Arising Out of PS. Case No.-1067 Year-2018 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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1. BIJAY SHANKAR JHA @ VIJAY SHANKAR JHA S/o Late Parmeshwar Jha R/o village- Bangaon, P.S.- Bangaon, District- Saharsa
 2. Santosh Thakur S/o Tripit Thakur R/o village- Bangaon, P.S.- Bangaon, District- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raushan Khatoon Resident of Naulakha, P.S.- Bangaon, District- Saharsa

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra
For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-07-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and Sri Akshay Lal Pandit, the learned APP for the State.

This is an application for grant of anticipatory bail in connection with Complaint Case No. 1067C of 2018 registered for the offence punishable



under Sections 420, 467, 468, 465, 471 and 34 of the Indian Penal Code.

The case of the prosecution in brief is that the petitioner no. 1 had illegally sold the land in question and cheated the complainant of a sum of Rs. 3,00,000/-. It is also alleged that the accused persons had executed forged documents with the motive of cheating the complainant.

The learned counsel for the petitioners has submitted that the dispute in question is purely a civil dispute and the remedy of the complainant lies before the competent court having appropriate civil jurisdiction. It is further submitted that the police had also filed a final form, after investigation finding the case to be that of a purely civil dispute, when the complaint of the complainant was sent to the concerned police station under Section 156 (3) Cr.P.C. for registering an FIR and then the learned court below, upon protest petition having been filed by the complainant, has taken cognizance against the accused persons. It is further submitted that the petitioners have been falsely



implicated in the present case and as far as the petitioner no. 1 is concerned, he is having a clean antecedent whereas the petitioner no. 2 is an accused in one other case, but he is on bail in the said case.

Per contra, the learned APP has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the fact that the allegations levelled by the complainant are purely in the nature of civil dispute, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-



I, Saharsa in connection with Complaint Case No. 1067C of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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