

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14761 of 2020**

Arising Out of PS. Case No.-157 Year-2019 Thana- DARAUNDA District- Siwan

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DURGA UPADHYAY, S/o Late Yaumna Upadhyay, R/o village- Koluwa,
P.S.- Daraunda, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-07-2020 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 341, 323, 504, 406/34 of the Indian Penal Code.

Prosecution case is that the informant submitted a written report to the SHO, Daraunda P.S. stating therein that the villager Durga Upadhyay got Tadhka in his village and he talked with him for selling his land belongs to Khata No. 40, Plot No. 1048 having area 9 Katha 7 dhur for consideration of Rs. 2,50,000/- and as the informant was not having that money he paid only Rs. 95,000/- on 05.06.2013 for which a plaint agreement was prepared by him and possession of land was also given which is in his possession. The informant got information



that for getting more money he has sold the land to one person and today in the morning when he asked about the same and demanded the money then he became furious and abused him and started assaulting by fist and legs. It is alleged that they threatened the informant for his life.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence rather he has falsely been implicated in this case. The petitioner prior to lodging of the present case brought a complaint case against the present informant vide Complaint Case No. 1398 of 2019 on 24.06.2019 for the assault given to the petitioner after entering into agreement for selling the land in question to Digvijay Kumar Mishra in which they have taken the signature of the petitioner on plain paper and in complaint case cognizance has been taken on 13.09.2019 against the informant and his son Guddu Mishra.

Learned counsel for the petitioner further submits that the FIR was lodged on 21.06.2019 when the informant got information regarding execution of the sale deed for the land in question. The narration of the FIR itself shows that the informant never asked the accused petitioner to receive the balance consideration money and for execution of the sale deed



which itself creates doubt over the entire prosecution story. The petitioner has got no criminal antecedent. The matter is civil dispute.

Learned APP for the State opposes the prayer for bail petition.

In the aforesaid facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned J.M.-1st Class, Siwan in connection with Daraunda P.S. Case No. 157 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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