

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80706 of 2019

Arising Out of PS. Case No.-616 Year-2019 Thana- KHAJANCHI HAT District- Purnia

RAJENDRA KUNWAR @ RAJENDRA KUMAR Son of Late Sukhdeo
Kunwar Resident of Near Congress office Ashram Road, P.S. K. Hat,
(Sahayak), District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Shrekant Sharan Singh
For the Opposite Party/s	:	Mr. Shailendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 18-01-2020 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with K. Hat (Sahayak) P.S. Case No. 616 of 2019 for the
offence registered under Sections 420, 467, 468, 471 and
120(B) of the Indian Penal Code.

The allegation is regarding the land in question
which is stated to be *Khas Mahal* land being under litigation
before this Court as also the learned court below, nonetheless
the petitioner and the other accused persons had been alleged to
have illegally sold the said *Khas Mahal* land through various
agreements and thereafter had also tried to change the nature of
the land.



The learned senior counsel for the petitioner has submitted that at best the accusation levelled against the petitioner can be said to be a civil dispute, however, no criminal offence is made out against the petitioner. It is further submitted that the agreement of sale in question was executed by the petitioner and one other person, namely, Ramesh Chandra Agrawal in favour of Md. Daud Ansari and others on 20.04.2007 i.e. prior to the order passed by this Court in CWJC No. 14005 of 2002 and CWJC No. 11713 of 1999, whereafter no land has been transferred by the petitioner, hence no *mens rea* can be said to be present as far as the present petitioner is concerned. It is further submitted that the said Ramesh Chandra Agrawal has already been granted the privilege of anticipatory bail by a coordinate Bench of this Court vide order dated 19.11.2019 passed in Criminal Misc. No. 72312 of 2019. Moreover, it is brought to the notice of this Court that in the pending suit no interim order has been passed till date. The petitioner is stated to be having a clean antecedent.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the petitioner coupled with the fact that the case of the petitioner is identical to that of the co-accused who has already been granted



anticipatory bail by a coordinate Bench of this Court, I deem it fit and proper to grant anticipatory bail to the petitioner herein.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with K. Hat (Sahayak) P.S. Case No. 616 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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