

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85802 of 2019

Arising Out of PS. Case No.-2072 Year-2018 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Ajay Kumar Sinha, Son of Late- Baleli Prasad Resident of Village-
Fulwariya-1, Ward No.- 5, P.O.- Barauni, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ramesh Chandra Mishra, S/o- Late Ambika Mishra R/v- Fulwariya-1, Ward
No. -4, P.S.- Fulwariya-1, P.O. - Barauni, District- Begusarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Kumar Sinha
For the Opposite Party/s : Mr.Ajay Kumar Jha (App)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 20-02-2020 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Complaint Case No.2072 of 2018, in which cognizance under
Sections 323, 341, 504, 506, 468, 467, 420 of the Indian Penal
Code has been taken by the learned Magistrate.

The allegation against the petitioner is that the
complainant had given a piece of land along with a room
constructed over it to one Ram Chandra Singh and the petitioner
with a conspiracy occupied the same with oblique motive and
started living in that room with consent of Ram Chandra Singh
and subsequently brought a case bearing No.17 of 2009 before
the Permanent Lok Adalat on 31.02.2009 against Ram Chandra



Singh and by producing the forged compromise petition obtained a decree from the Permanent Lok Adalat for one Kattha of land along with room constructed over it belonging to the complainant.

Mr. Ajay Kumar Singh, learned counsel appearing for the petitioner submits that petitioner has falsely been implicated in this case based upon *mala fide* complaint filed by complainant. By referring to para 4 of the complaint, learned counsel submits that admittedly according to the case of the complainant, a piece of land along with room constructed thereupon was given by the complainant to one Ram Chandra Prasad Singh. Learned counsel further submits that said Ram Chandra Prasad Singh has not been made accused and the complainant has also not challenged the decree passed by the Permanent Lok Adalat before any competent forum as of today. Learned counsel further submits that the petitioner had filed a *bona fide* case before the Permanent Lok Adalat and with the consent of said Ram Chandra Prasad Singh a valid compromise decree in favour of the petitioner has been passed by the permanent Lok Adalalt.

After having heard learned counsel for the parties and taking into consideration the fact that the decree passed by



Permanent Lok Adalat has not been challenged by the complainant before the competent forum as yet, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by him, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Begusarai, in connection with Complaint Case No.2072 of 2018, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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