

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.947 of 2020

Arising Out of PS. Case No.-2076 Year-2015 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

RAJKISHOR GUPTA S/o Late Sheetal Prasad Sah Resident of Village-
Ekchari, P.S.- Ekchari, Distt- Bhagalpur, presently resides at 23/9, Gariyahat,
Road, West Kolkata, West Bengal, Pin 700068.

... .. Petitioner

Versus

1. The State of Bihar
2. Akhilesh Kumar Son of Late Bashist Narayan Singh Resident of Village-
Bikramshila Nagar, Kahalgoan, Ward No.6, P.S.- Kahalgoan, Distt-
Bhagalpur.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh
For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 25-02-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Complaint Case No. 2076 of 2015, registered for the
offence punishable under sections 406, 420, 464, 468, 471,
120B and 34 of the Indian Penal Code.

As per allegation in the complaint, on the complainant
paying the total consideration amount of Rs. 23.8 lakhs to the
petitioner, it is stated that the petitioner executed a registered
sale deed dated 12.09.2014 in favour of the complainant.



Thereafter, on an application filed by the complainant, his name was mutated in the revenue records. It is thereafter stated that in the column of the new raiyat, his name was shown while in the column of the old raiyat the name of Rajesh Kumar Gupta was shown and not that of the petitioner. It is then that he came to know that the land was not in the name of the petitioner.

It is submitted by learned counsel for the petitioner that it would be evident from reading of the complaint together with the statement of the complainant on S.A., that on payment of the total consideration amount, the registered sale deed was executed by the petitioner and subsequently the name of the complainant was also mutated. The complainant himself further admits in his S.A. that the land of which the document was shown to him, is the same land which has been sold by the petitioner. It is further stated in paragraph no. 9 of the petition that both the petitioner as well as Rajkishore Gupta are full brothers and the land sold to the complainant is in the share of this petitioner. It is further submitted that the dispute is purely civil in nature and the petitioner has no criminal antecedent.

Having heard learned counsel for the parties and in 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 six weeks from today and in the event of his arrest or surrender in connection with Complaint Case no. 2076 of 2015, 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., XIV, Bhagalpur subject to the condition as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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