

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15272 of 2021

Arising Out of PS. Case No.-29 Year-2020 Thana- ISHAKCHAK District- Bhagalpur

PASHUPATI NATH JHUNJHUNWALA, Male, aged about 65 years, Son of Late Kashi Prasad Jhunjunwala, Resident of Mohalla-Sujaganj (Near Hadbadhiya Kali Mandir), P.S.- Kotwali, District- Bhagalpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ramakant Sharma, Sr. Advocate and Mr. Binay Kumar Pandey, Advocate.
For the Opposite Party : Mr. Choubey Jawahar, A.P.P..

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-03-2021 Learned counsel for the petitioner is permitted to make necessary correction in paragraph no. 1 of the bail application, in course of the day.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks.

Heard learned counsels for the petitioner, informant and learned A.P.P. for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 406, 420, 120(B), 504 and 506/34 of the I.P.C.

The prosecution story, in brief, is that the petitioner executed a *Jarvyana* in favour of the informant with regard to a



piece of land and at the time of execution, the informant gave a sum of Rs. 15,00,000/- to the land owners. It is alleged that the land was not got registered in the name of the informant on one pretext and another and the subject matter of the land was later on sold out to different persons. It is also alleged that on 04.02.2020, co-accused Ashok Jha alongwith two or three other unknown associates threatened to the informant and said that he should forget the money which has given to the petitioner otherwise he would have to lost his life. It is claimed that the informant is confident that co-accused Ashok Jha in conspiracy with the petitioner has committed cheating with and criminal breach of trust with him.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The matter relates to sale and purchase of land. The alleged incident is said to have taken place as back as in the year 2013 as to when the case was instituted on 24.02.2020. The matter relates to civil dispute.

On behalf of the State and the informant, it is submitted that the petitioner is named in the F.I.R.



Considering the aforesaid facts and circumstances of the case, the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-Ist Class, Bhagalpur, in connection with Ishakchak P.S. Case No. 29 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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