

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18542 of 2020

Arising Out of PS. Case No.-1125 Year-2019 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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MANOJ KUMAR SINGH, Son of Kameshwar Singh Resident of Village -
Gausganj Ara, P.S.- Ara Nagar, District - Bhojpur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Vidya Devi, W/o Mintu Kumar Pandey Resident of Village-Gyanpur
Semarian, P.O.-Nathmalpur, P.S.-Barahra, District-Bhojpur at present
Motitola Ara, P.O. Head Post Office Ara P.S.-Ara Nagar, District-Bhojpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Singh
For the Opposite Party/s : Mr.Umanath Mishra

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

7 05-03-2021 Heard Mr. Manoj Kumar Singh, learned counsel

for the petitioner; Mr. Aditya Narayan Singh, learned

counsel for Opposite Party No. 2; and Mr. Uma Nath

Mishra, learned APP for the State.

The petitioner seeks bail in anticipation of his

arrest in connection with Complaint Case No. 1125(C) of

2019, in which cognizance has been taken under

Sections 406, 420 and 504 of the Indian Penal Code.

The petitioner is alleged to have sold land to

the complainant / Opposite Party No. 2 on a



consideration amount but no registry of the aforesaid conveyance has been done. The complaint petition further reveals that the agreement between the parties was of sale and purchase of another land but fraudulently, agricultural land was sold to the husband of the complainant / Opposite Party No. 2, for which a higher price has been charged.

The learned counsel for the petitioner has submitted that the averments made in the complaint petition is absolutely vague and contradictory. If the averments in the complaint are seen along with the statement under solemn affirmation of the complainant, the entire case would appear to be false and concocted. In her solemn affirmation, the complainant has stated that earlier also, her husband had purchased land from the petitioner but she did not remember whether money was paid for that transaction. What money was paid in the present transaction is also not in the memory of the complainant.



From a comparative statement made in the complaint petition and in the solemn affirmation, it appears that perhaps, after the transaction was over, the complainant did not like the location or the quality of the land which was purchased by him.

The allegations in the complaint petition are much too vague for this Court to deny the privilege of anticipatory bail.

While saying so, this Court has also taken note of the fact that this complaint has been lodged after a delay of about four years.

Considering the afore-stated aspects of the matter, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief



Judicial Magistrate, Bhojpur at Ara, in connection with
Complaint Case No. 1125(C) of 2019, subject to the
conditions as laid down under Section 438 (2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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