

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.73835 of 2019**

Arising Out of PS. Case No.-832 Year-2015 Thana- COMPLAINT CASE District- Araria

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Upendra Khatway @ Upendra Khatve, male, aged about 35 years, Son of Late Bhagwat Khatway, Resident of Village - Bela, P.S. - Narpatganj, Distt. - Araria.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Jilebi Khatway, male, aged about 60 years, Son of Late Mahavir Khatway, Resident of Village - Bela, Ward No. 6, P.S. - Basmatiya (Narpatganj), Distt. - Araria.

... .. Opposite Party/s

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**Appearance :**

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| For the Petitioner/s | : Mr. Gopal Kumar Jha, Adv.    |
| For the O.P. No. 2   | : Mr. Sanjay Kumar Singh       |
| For the State        | : Mr. Nand Kishore Prasad, APP |

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**

ORAL ORDER

7      06-12-2021                      Heard Mr. Gopal Kumar Jha, the learned Advocate for the petitioner and Mr. Sanjay Kumar Singh, the learned counsel for the complainant/opposite party No. 2. The State is represented by Mr. Nand Kishore Prasad, the learned APP.

The petitioner seeks bail in anticipation of his arrest in connection with Complaint Case No. 832 of 2015 in



which cognizance has been taken against him under Sections 420, 467, 468, 471, 504 and 120(B) of the Indian Penal Code.

The complainant/opposite party No. 2 has alleged that the land which was purchased by his father has been sold by the petitioner to a third party on a consideration amount of Rs. 2,25,000/-.

The learned counsel for the petitioner has submitted that the accusation does not mean anything as it has not been stated in the complaint about the vendor of the father of the complainant/opposite party No. 2 and that there is no allegation of sale of already sold property by the present vendee. Thus, it has been argued, that no offence under any one of the sections in which cognizance has been taken, can at all be said to have been made out.

For the vagueness of the complaint petition and nothing on record to indicate as to how the complainant/opposite party No. 2 has been put to any disadvantage by the petitioner, he/Upendra Khatway @ Upendra Khatve, in the event of his arrest or surrender



before the learned Court below within a period of three weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Complaint Case No. 832 of 2015, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

**(Ashutosh Kumar, J)**

Praveen-II/-

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