

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13316 of 2021**

Arising Out of PS. Case No.-109 Year-2020 Thana- BUXAR District- Buxar

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ARUN KUMAR TIWARI @ CHHOTAK TIWARI S/o Late Ramnath Tiwari
R/o village- Patarkona, P.S.- Sikraul, Distt.- Buxar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha
For the Opposite Party/s : Mr.Jagdhar Prasad
Mr.Kamlesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 04-04-2022 Heard learned counsel for the petitioner, learned

Additional Public Prosecutor for the State and learned counsel

for the O.P. No.2.

The petitioner apprehends his arrest in a case in
connection with Buxar (T) P.S. Case No.109/2020, registered
for the offence punishable under Sections 419, 420, 467, 468,
471 of the Indian Penal Code.

The allegation against the petitioner is that he did not
execute the sale deed for 78^{1/2} decimal of land purchased by
the informant/complainant for which he has taken
Rs.7,88000/- from her.

It is submitted by learned counsel for the petitioner that



petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. There is a civil dispute between the parties and no criminal case is made out against the petitioner. The informant/complainant herself stated that earlier she purchased 64 decimal of land and it was duly mutated in her name. Petitioner has no criminal antecedent.

Learned counsel for the opposite party no.2 opposed the prayer for bail by submitting that the petitioner has taken money for registering another land in favour of the informant but till date he has not registered the same in her name.

Having regard to the facts and circumstances of the case, since there is a civil dispute between the parties, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Buxar (T) P.S. Case No.109/2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, learned court below is directed to verify the



criminal antecedent of the petitioner before accepting the bail bonds and if any criminal antecedent is found, the bail bonds of the petitioner shall not be accepted.

This application is accordingly allowed.

(Anjani Kumar Sharan, J)

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