

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13217 of 2021

Arising Out of PS. Case No.-267 Year-2018 Thana- KESARIA District- East Champaran

HARENDRA SINGH, Son of Late Adalat Singh Resident of Village- Kotwa,
P.S.- Kotwa, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No 7

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 24-02-2022 Heard Mr. Subhash Kumar, learned Advocate for

the petitioner and learned APP for the State.

The prayer for anticipatory bail of the petitioner was earlier rejected by a Bench of this Court vide order dated 15th of January, 2019 passed in Cr. Misc. No. 80108 of 2018.

The petitioner seeks bail in anticipation of his arrest in connection with Kesariya P. S. Case No. 267 of 2018 dated 10.07.2018, instituted for the offences under Sections 420, 467, 468, 471, 120B and 34 of the Indian Penal Code.

The petitioner is the own brother of the informant



who is alleged to have sold those portion of land which had exclusively been settled in favour of the informant. The vendees of the property as well as witnesses to the sale-deed were also made accused but they have been granted anticipatory bail by the same order by which anticipatory bail of the petitioner has been rejected.

The learned Advocate for the petitioner has filed the second application on his behalf on the ground that now the dispute between the brothers have been settled and that the son of the informant has also confirmed the sale of land to the vendee of the petitioner.

The learned Advocate for the petitioner however submits that both these developments have taken place after the rejection of anticipatory bail of the petitioner.

Be that as it may, it has been urged on behalf of the petitioner that no criminality could be saddled on him even if he is alleged to have sold the land belonging to joint family property. There is every likelihood of there being confusion regarding the apportionment of shares. Unless it is made known that the property in question was sold with evil



intention, such criminal case ought not to have been foisted on the petitioner.

The learned Advocate for the petitioner has further tried to explain that he was earlier made an accused in a case under Section 302 which finds mentioned in the order rejecting the anticipatory bail of the petitioner but the informant himself was also a co-accused in that case along with the petitioner.

It is thus urged that the case was lodged because of some dispute having erupted between the two brothers and therefore the order rejecting the prayer for bail be reconsidered.

However, regard being had to the fact that the prayer for anticipatory bail has been rejected by a reasoned order, I am not inclined to interfere with the same.

The prayer for anticipatory bail is rejected.

However, if the petitioner surrenders before the court below and seeks bail, all the grounds noted above shall be taken into account and an order shall be passed, without being prejudiced by the fact that the present petition on his



behalf has not been entertained by this Court.

(Ashutosh Kumar, J)

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