

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12233 of 2022

Arising Out of PS. Case No.-305 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

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BHARAT CHAUDHARY Son of Mangal Chaudhary Resident of Village -
Chhatauni Bazar, P.s.- Chhatauni, Distt.- East Champaran , Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikash Kumar Pankaj, Advocate
For the Opposite Party/s : Mr. Ram Naresh Ray, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 01-12-2022 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 323,
341, 342, 379, 384, 406, 420, 504, 506 and 34 of the Indian
Penal Code.

Learned counsel for the petitioner submits that the
petitioner has antecedent of one case which was instituted
by the son of the present informant, it is next submitted that
informant alleges that Bharat Chaudhary (petitioner) had
proposed to sell his land and informant proposed to buy it
for Rs. 16 lacs out of which 7.3 lacs were given in advance



to the petitioner on 9.02.2021 and the rest of the amount was to be paid at the time of registry, it is next alleged that when informant asked for documents for registration of the house, the petitioner denied to sell the house and said that the house belongs to his wife and when the informant asked for her money, the petitioner refused, it is next alleged that on 9.06.2021, at 9:00 pm a call came to the informant's son by a person Raghu Sahani who abused him and rebuked him for asking money from the petitioner and, thereafter, seven accused persons came in the shop of the informant and assaulted him with slaps and threatened to kill him and Jhabbu Sahani stole gold chain worth Rs. 50,000/- and Raghu Sahani asked for extortion of Rs. 10 lacs.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that from bare perusal of the allegations as alleged in the FIR, it would manifest that the same does not even remotely suggest that any agreement for sale was entered in between the informant and the petitioner with respect to the house in question, it is next submitted that a bold statement has been made that Rs. 7.3 lac was given in



advance to the petitioner, learned counsel next submits that the house belongs to the wife of the petitioner and he had dispute with the son of the present informant who has already filed a case under Section 138 of the N.I. Act with respect to a cheque which was issued by the petitioner in lieu of the money which he had taken for the treatment of his wife from the son of the informant, it is further submitted that since the cheque bounced, as a result of which the informant in order to coerce the petitioner into submission instituted the present false criminal case, it is next submitted that in compliance of the order dated 13.09.2022, notices were filed and the same has been received by the son of the Opposite Party No. 2 despite receiving the notice chooses not to contest the present anticipatory bail application.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on



anticipatory bail on furnishing bail bonds of Rs. 10,000/-
(Rupees Ten Thousand) with two sureties of the like amount
each to the satisfaction of the learned trial court where the
case is pending/successor court in connection with Mufassil
P.S. Case No. 305 of 2021 subject to the conditions as laid
down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

HarshPandey/-

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