

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33209 of 2022

Arising Out of PS. Case No.-405 Year-2021 Thana- RAXAUL District- East Champaran

RAJ KUMAR PRASAD @ RAJ KUMAR SAH SON OF LATE DWARIKA
SAH RESIDENT OF RAXAUL, ARYA SAMAJ ROAD, WARD No.10, P.S.-
RAXAUL, DISTRICT- EAST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate

For the Opposite Party/s : Mr. A.P.P.

Mr. Ajay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-11-2022 Heard learned counsel for the petitioner and learned A.P.P.
for the State through the virtual Court proceedings.

Let the defect(s), if any, be removed within a period of
four weeks.

The petitioner apprehend his arrest in a case registered for
the offences punishable under Sections 406, 420, 467, 468, 323 and
504 of the Indian Penal Code.

Learned counsel for the petitioner submits that petitioner
has antecedent of two cases and the present FIR arises out of a
complaint.

The informant alleges that partition took place between
her husband and his brother. Further, on 16.10.1998 her husband
purchased 6.14 Kathas of land from Satnarayan Mahto and since then
was in peaceful possession of the same. Further, her husband died in
the year 2004 and some portion of the aforesaid land was sold by this



petitioner fraudulently to Jitendra Prasad Gupta and Rita Devi as detailed in the FIR. On query, the accused persons including the petitioner assaulted and abused her.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is next submitted that petitioner and husband of the informant were own brothers. It is further submitted that after death of her husband, the informant fraudulently and without informing sold some portion of the ancestral land and when the said fact came to the knowledge of the petitioner a Panchayati was held and the petitioner was compensated by way of Badlain i.e. some portion of the land purchased by her husband was given to the petitioner. Further, petitioner executed the sale deed on 01.12.2016 (Annexure-2) on which son of the informant Bajrang Kumar Gupta is a witness. Learned counsel thus submits that when the son of the informant himself is a witness on the sale deed executed by the petitioner in favour of Jitendra Prasad Gupta and Rita Devi then how it be presumed that the land was sold fraudulently. It is next submitted that even presuming what is alleged is true without admitting for the purposes of anticipatory bail then also the dispute is civil in nature to which a criminal colour has been given and in the event if the informant is aggrieved by the sale deed executed by the petitioner, she has a remedy available in civil law by approaching the Court of competent jurisdiction for getting the sale deed cancelled.



Learned A.P.P. for the State and the informant opposed the prayer for anticipatory bail of the petitioner but are not able to meet the submission of the learned counsel for the petitioner that the dispute is civil in nature and the informant has remedy in law to get the sale deed cancelled and also that her son is a witness on the sale deed executed by 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 Court below 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 court below where the case is pending/successor court in connection with Raxaul P.S. Case No. 405 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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