

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36956 of 2022

Arising Out of PS. Case No.-93 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

1. DINA PASWAN S/o Late Nathuni Paswan Resident of Moh - Dighhikala West, P.O. Digghi Kala, P.S.- Hajipur Sadar, District- Vaishali.
2. Sujit Kumar S/o Dina Paswan Resident of Moh- Dighhikala West, P.O. Digghi Kala, P.S.- Hajipur Sadar, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Soni, Advocate
For the Opposite Party/s : Mr. Anant Kumar 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-11-2022 Learned counsel for the petitioners seeks permission to withdraw the prayer for anticipatory bail with respect to petitioner no. 2 Sujit Kumar.

Permission is accorded.

Heard learned counsel for the petitioner no. 1 and learned A.P.P. for the State.

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

The petitioner no. 1 apprehends his arrest in a case registered for the offences punishable under Sections 420, 406, 467, 468, 385, 387, 379, 341, 323, 504 and 506/34 of the Indian Penal Code.

Learned counsel for the petitioner no. 1 submits that



petitioner no. 1 is a person with clean antecedent.

The informant alleges that he through Sujit Kumar came to know that Dhananjay Rai and Narendra Nath are selling their land measuring 25 Kathas @ Rs.2.5 lakhs per Katha, accordingly, Sujit Kumar got an agreement for sale dated 09.11.2017 executed between the informant and the land owner. Thereafter, the informant paid Rs.7 lakhs in cash and Rs.3 lakhs by cheque but after sometime the cheque was returned on the pretext that there was no bank account. The informant further alleges that he also paid Sujit Kumar Rs.8 lakhs over a period of time and the same was mentioned behind the agreement for sale. The informant further alleges that he paid Sujit Kumar Rs.16,10,000/- by different cheques, thereafter the land owner executed sale deed with respect to 8 Kathas of land only. Further, when he demanded his rest amount, Sujit Kumar threatened. Further when the informant went on his land, he saw Sujit Kumar and Dina Paswan making construction on the land which he had purchased and when the informant asked he was informed that the land belongs to them and they even assaulted the informant and demanded extortion.

Learned counsel for the petitioner no. 1 submits that though the dispute is civil in nature to which a criminal colour



has been given but then as far as the petitioner no. 1 is concerned, i.e. Dina Paswan against him only allegation is that he was also present with Sujit Kumar on the land when the informant had gone to see the land, apart from that there is no allegation against him.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner no. 1.

Considering the submissions made by the learned counsel for the petitioner no. 1, the petitioner no. 1 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 Hajipur Sadar P.S. Case No. 93 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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