

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40923 of 2020

Arising Out of PS. Case No.-364 Year-2019 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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LALIT NARAYAN MISHRA S/o Sri Uma Shankar Mishra R/o Madhuban
Chaani Chowk, Bazaz Patti, P.S-Motihari Town, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sujan Kumar Rai Burman S/o Dhrub Prasad Rai Barman R/o 913,
Hemdellain, Kolkata, West Bengal, presently Hotel Athithi, Main Road,
Motihari, P.S-Motihari Town, District-East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate
For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 09-03-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 406, 420,
467, 471 and 120(B) of the Indian Penal Code.

As per complaint case, it is alleged that one Uma
Shankar Mishra, held the power of attorney of Chittaranjan
Mukherjee earlier and in that capacity, he executed sale deeds
though he was not authorized to do so and one Uma Shankar
Mishra has executed a sale deed in favour of the accused and on
that basis of the said power of attorney, though the power of
attorney was confined to pursuing legal matters and doing



pairvi in other matters and not for executing sale deeds.

It is submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in this case. He further submits that the complainant is not the land owner rather he got the power of attorney in the year 2013 and prior to that, father of the petitioner was the power of attorney hold and the petitioner has no concern either with that power of attorney or with the permission letter. He further submits that the complainant came to know that accused no.1 on 27.03.2009 executed deed in favour of his son (petitioner) then he got the certified copy of the same and lodged Title Suit No. 820 of 2015 which is still pending but the present criminal case has been brought after four years which itself suggests that without deciding the title of the land, the complainant brought the case of cheating. He further submits that similarly situated co-accused has already been granted anticipatory bail by a Co-ordinate Bench of this Court passed in Cr. Misc. No. 83735 of 2019 dated 03.07.2020.

Learned APP appearing for the State has opposed the prayer for anticipatory bail.

In the facts and circumstances of the case, let the petitioner, above named in the event of his arrest or surrender



before the court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, East Champaran at Motihari in connection with Complaint Case No. C-364 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

Brajesh Kumar/-

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