

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.53383 of 2021**

Arising Out of PS. Case No.-2608 Year-2018 Thana- COMPLAINT CASE District- Araria

MODANAND JHA S/O LATE UPENDRA JHA R/o village- Fulsara Ward  
No. 10, P.S.- Palasi, District- Araria

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. BHAGWAN MISHRA S/O LATE NAVKANT MISHRA R/o village-  
Fulsara, Ward No. 10, P.S.- Palasi, District- Araria

... .. Opposite Party/s

**Appearance :**

|                          |   |                                   |
|--------------------------|---|-----------------------------------|
| For the Petitioner/s     | : | Mr. Sarangdhar Jha, Advocate      |
| For the Opposite Party/s | : | Mr. Harendra Prasad, APP          |
| For the Informant/s      | : | Mr. Nishant Kumar Sinha, Advocate |
|                          |   | Mr. Alok Chandra, Advocate        |
|                          |   | Mr. Tarun Kumar Shekhar, Advocate |

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

5      16-11-2022                      Heard learned counsel for the petitioner, learned  
counsel for the informant and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 354(B) 420, 406, 467, 468, 504 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been falsely implicated in the present case, it is next submitted that from the tenor of allegations as alleged in the FIR, it would manifest that the dispute is purely civil in nature.



Learned A.P.P. for the State and learned counsel for the informant vehemently oppose the prayer for anticipatory bail of the petitioner and submits that petitioner is a witty cheat as would manifest from the submission made hereinafter, it is next submitted that petitioner purchased the land in dispute from Ram Prasad Sah measuring 26 decimal on 30.10.2022, thereafter on 13.10.2011, the petitioner sold the same to Gopal Mishra by a registered sale deed, thereafter on 18.10.2011, the same land was sold by the petitioner to the informant by another sale deed, despite the fact that earlier the petitioner had sold the land to Gopal Mishra and thus was knowing the said fact, thereafter on 20.10.2011, the petitioner got the same land executed in the name of his wife through Gopal Mishra by another sale deed and thereafter in 2018 came on the land and asked the informant to vacate as the land belongs to his wife as he had purchased from Gopal Mishra.

Learned counsel for the informant submits that it absolutely does not stand to reason that as to why the petitioner committed such an occurrence and thus created evidence against himself as there are documentary evidence on record to *prima-facie* demonstrates that the manner in which he has committed the occurrence *prima-facie* demonstrates that he has cheated the



informant.

Considering the submissions made by the learned counsel for the informant and the learned APP for the State, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

**(Satyavrat Verma, J)**

Shivam/-

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