

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5885 of 2021

Arising Out of PS. Case No.-998 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

Chandeshwar Prasad Son of Late Krishna Singh R/O Village- Chiraura, P.S.-
Naubatpur, Dist.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ashok Kumar Rai Son of Damodar Rai R/O Village- Sahejani, P.O.- Hassan Bazar, P.S.- Hassan Bazar, Dist.- Bhojpur, At Present- Ram Jaypal Nagar, Taluka Appartment, P.S.- Rupashpur, Dist.- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Gopal Govind Mishra, Adv.
For the State	:	Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

8 12-04-2022 Heard Mr. Gopal Govind Mishra, learned advocate for the petitioner and Mr. Choubey Jawahar learned Additional Public Prosecutor, representing the State.

A supplementary affidavit has been filed across the board which has been taken on record intimating that the counsel appearing for opposite party no.2 before the court below has been informed about today's date and the requirement of appearance of any advocate on behalf of the opposite party no.2 to contest this matter.

This Court notices that on three occasions, requisites were filed for issuance of notice but the opposite party no.2 seems to have changed his address quite frequently.

The petitioner seeks bail in anticipation of his arrest in



connection with Complaint Case No. 998(C)/2018 in which cognizance has been taken under Sections 406 and 418 of the Indian Penal Code.

The petitioner is alleged to have entered into an agreement with opposite party no.2 for selling his 5 Kathas of land at the rate of Rs. 3 lac per Katha and had accepted an advance amount of Rs. 3 lacs.

According to the allegation, neither the amount has been returned nor the land in question has been conveyed to the opposite party no.2.

It is the case of the petitioner that the accusation is absolutely false and is at the behest of the son of the petitioner who is not happy with the apportionment of the family property.

Considering the aforementioned submission, the provisional bail granted to the petitioner by order dated 02.11.2021 is hereby confirmed.

The petitioner shall remain on the same bail bonds.

The petition stands disposed of accordingly.

(Ashutosh Kumar, J)

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