

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8477 of 2021

Arising Out of PS. Case No.-92 Year-2013 Thana- COMPLAINT CASE District- Banka

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Dhananjay Choudhary @ Dhananjay Prasad Choudhary, aged about 65 years,
Male, Son of Anant Prasad Choudhary Resident of Village - Rajoun, P.S.-
Rajoun, District - Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Radha Devi Wife of Chhotan Das R/o - Rajoun, P.S.- Rajoun, District -
Banka - 813102

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Dharendra Narain Jha, Adv.
For the State	:	Mr. Ganesh Prasad Singh, APP
For the O.P. No.2	:	Mr. Sanjay Kumar Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 29-03-2022 Heard learned counsel for the parties.

The petitioner seeks bail in anticipation of his arrest in connection with Complaint Case No. 92 of 2013 in which cognizance has been taken under Sections 406, 504 of the Indian Penal Code.

The complainant has died and therefore his wife Smt. Radha Dvi has been impleaded as opposite party no.2.

It is the case of the opposite party no.2 that the petitioner had agreed to purchase a plot of land from the husband of the opposite party no.2 for a consideration amount of Rs. 60 lacs which he was to deposit in the bank account of the husband of the opposite party no.2. However, before that



money was deposited, the opposite party no.2 and her husband were taken to the Registry office for signing documents for sale of land. There, the Registrar made the opposite party no.2 and her husband know that unless money is received by them, they ought not to execute the power of attorney.

The learned counsel for the petitioner has submitted that the accusation is absolutely vague. At one place, the accusation is that the petitioner wanted to purchase the land from opposite party no.2 and, in the second part of the complaint, there is reference of execution of power of attorney.

The power of attorney so executed by the husband of the opposite party no.2 has been placed before this Court by the counsel for the opposite party no.2 for inspection. It appears that a revokable power of attorney has been executed with respect to a particular plot of land. It appears that there was an arrangement between the parties to deposit the money of the land and then sell the same for recovering the price of the land by the power of attorney holder who is the petitioner.

Nonetheless, the accusation is too vague to be relied upon for the purposes of rejecting the prayer for anticipatory bail.

Nothing has been brought on record which can



demonstrate that no money has been paid to the complainant / opposite party no.2 and power of attorney is still in existence, on the strength of which document, the land of the husband of the opposite party no.2 is being sold. If that were the case, since a revocable power of attorney had been executed by the husband of the opposite party no.2, the same could have been revoked before any further damage could have been caused to the property on opposite party no.2

The prosecution does not appear to be genuine.

For the reasons aforesaid, the provisional bail granted to the petitioner vide order dated 17.12.2021 is hereby confirmed.

The petitioner shall remain on the same bail bonds.

The application is allowed accordingly.

(Ashutosh Kumar, J)

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