

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70950 of 2021

Arising Out of PS. Case No.-46 Year-2019 Thana- PARASI District- Jehanabad

AJEET BAHADUR SINGH @ AJIT BAHADUR SINGH Son of Late Jai Nandan Singh Resident of Village- Bahadurpur, P.S.- Parasi, District- Arwal, presently residing at Lal Mandir Bari Sangat, Ward No. 23, P.S. and District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ramdresh Chaudhari S/o Late Kalicharan Singh R/village Walidad P.S. Mehandia District Arwal.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yogendra Kumar Dwivedi, Advocate
For the Opposite Party/s : Mr.Ramchandra Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 14-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

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

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 419, 420,
467, 468, 471, 120(B) of the Indian Penal Code.

Learned counsel for the petitioner submits that the
Opposite Party No. 2 despite receiving notice chose not to appear
as has been recorded in the order dated 31.08.2022.

The informant/complainant alleges that petitioner sold
land bearing Khata No. 84, Plot No. 449, Area 40 decimal to the
informant after receiving an amount of Rs. 1,65,000/-, it is next



alleged that when the informant asked the petitioner to deliver possession of the land, the same was refused, then the present case came to be instituted alleging that petitioner has cheated.

Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and has been falsely implicated in the present case, it is next submitted that the dispute is purely civil in nature but a criminal case has been instituted. Learned counsel next submits that a second supplementary affidavit has been filed on behalf of the petitioner wherein it has been specifically stated that Jay Nandan Singh had 5 children namely, Ajay Kumar Sinha, Akshay Kumar Sinha, Ajeet Bahadur Singh (Petitioner), Avinash Chandra and Pushpa Singh and the land in question was mutated in name of Akshay Kumar Sinha as such the land in question is the ancestral land of the petitioner. Learned counsel next submits that the petitioner came to be implicated only on the ground that the land does not belong to him as the Halka Karmchari had submitted his report to the Circle Officer stating that the land was not in the name of Ajeet Bahadur Singh i.e., the petitioner, when Akshay Kumar Sinha is own brother of the petitioner. Learned counsel at the cost of repetition submits that a civil case has been given color of a criminal case, it is also submitted that if the informant is aggrieved by the act of the petitioner that he has remedies



available elsewhere, it is next submitted that the petitioner has sold his ancestral land vide registered sale deed and none of the brothers of the petitioner is objecting the sale and the informant is in peaceful possession of the property and that perhaps explains the reason that as to why even after accepting notice the informant chose not to contest.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner 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.5,000/- (Rupees Five 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 Parasi P.S. Case No. 46 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

gauravkr/-

U		T	
---	--	---	--

