

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3149 of 2023

Arising Out of PS. Case No.-762 Year-2021 Thana- COMPLAINT CASE District- Supaul

DUKHI YADAV @ DUKHA SON OF LATE MISHRI LAL YADAV R/O
VILL.- BABHANGAMA, TOLA BAGHALA, P.S.- TRIBENIGANJ,
DISTT.- SUPAUL

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. RAMCHANDRA YADAV SON OF SURAT LAL YADAV R/O VILL.-
BABHANGAMA, TOLA BAGHALA, P.S.- TRIBENIGANJ, DISTT.-
SUPAUL

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamal Kishore Singh
For the Opposite Party/s : Mr.Vinod Shanker Modi
Mr.Amrit Abhijat

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 11-07-2023 Heard learned counsel for the parties.

The petitioner apprehends his arrest in a complaint case punishable for the offence under Sections 406, 420, 467, 468 of the Indian Penal Code.

It is alleged that this petitioner took Rs. 8,10,000/-, as consideration money, from the complainant and executed four katha of land in his favour, but after some time, when complainant knew the fact that petitioner has already sold two katha of land to one Shanti Devi, the complainant demanded Rs. 4,05,000/- from the petitioner, which he refused to return and thus, cheated the complainant.

It is submitted on behalf of petitioner that it is out-and-out a civil dispute, for which, this petitioner has already



filed a title suit, vide Title Suit No. 346 of 2022, which is pending in the court of learned Sub Judge – I, Supaul, in which, the complainant and his wife Lalita Devi have been made defendant 1st party and Shanti Devi has been made defendant 2nd party. Petitioner has got clean antecedent.

Learned A.P.P. for the State and learned counsel for the informant/opposite party no. 2 vehemently opposed the prayer for anticipatory bail.

Considering the nature of accusation and the fact that title suit is already pending between the parties, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Supaul in connection with Complaint Case No. 762 (C) of 2021, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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