

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4546 of 2023

Arising Out of PS. Case No.-502 Year-2019 Thana- COMPLAINT CASE District-
Kishanganj

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KAMESHWAR BASAK Son of Late Laxmi Narayan Basak Resident of
Village - Beni Chapwal Basti, Bahadurganj Near Krishan Mandir, P.S.-
Bahadurganj, District - Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Chandan Kumar Yadav Son of Jagdish Prasad Yadav Resident of Village -
Sattal, P.S.- Bahadurganj, District - Kishanganj.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar
For the Opposite Party/s : Mr. Ram Sevak Choudhary

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 19-05-2023 Heard the parties.

Despite valid service of notice, nobody appears on behalf of
the O.P. No.2.

The petitioner apprehends his arrest in a case registered for the
offence punishable under Sections 323, 420 of the Indian Penal
Code.

Allegedly, the complainant entered into an agreement for
purchase of land in lieu of consideration amount of Rs.7,80,000/- and
also gave advance of Rs.1,00,000/- to co-accused Shobha Devi and
the petitioner. It is alleged that even after several reminders, the
petitioner and co-accused did not executed the sale deed in favour of
the complainant. It is further alleged that the complainant was abused
and assaulted for reminding the accused persons for execution of sale



deed.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and have committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is no specific overt act against the petitioner. He further submits that it is a case of civil dispute between the parties. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case as this is a case of civil dispute, let the above named petitioner, be released on bail, in the event of his/her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty 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 Complaint Case No.502 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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