

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15528 of 2023

Arising Out of PS. Case No.-164 Year-2022 Thana- BETTIAH CITY District- West
Champaran

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Jagat Narayan Rao S/O Late Ramdev Rao R/O Village- Laukariya, P.S-
Bairiya, district- West Champaran, presently residing at mohalla-
Naurangabagh, Forest Road, Ward No- 32, P.S- Bettiah Town, District- West
Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Abhay Kumar Rao S/O Sri Vijay Kumar Rao R/O Village- Laukariya, P.S-
Bairiya District- West Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar
For the Opposite Party/s : Mr.Dinesh Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 11-07-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 420,
379/34 and other allied sections of the Indian Penal Code.

As per the prosecution case, the land measuring about
12 Kattha under Khata No. 57 Khesara No. 847 was transferred
in favour of the co-villager Nagendra Rao through registered
sale deed which the petitioner got executed by his daughter, and
the said land was again transferred through registered sale deed
executed by the petitioner on 24.07.2018 in favour of the father



of the informant receiving Cheque bearing Rs. 9,60,000/- and next day receiving cash of Rs. 6,00,000/-. After 4-5 months, the rest cash amount of Rs. 3,60,000/- was also paid, but even after receiving Rs. 9,60,000/-, the cheque carrying amount of Rs. 9,60,000/- was not returned. On 27.02.2022 at about 7.00 am, when the informant demanded the cheque delivered by his father and then petitioner along with 3-4 unknown persons abused and assaulted him with kicks and fists and took out cash of Rs. 5,000/- from his pocket and declared that he would give the cheque only when he gave extortion money of Rs. 5 lakhs and also threatened him with dire consequence.

It is submitted that petitioner has been falsely implicated in this case and this case has been lodged only to grab the consideration money of the land sold by the petitioner in favour of the informant. In fact, petitioner had filed a Complaint Case No. 940-C of 2021 in the Court of learned Chief Judicial Magistrate, West Champaran at Bettiah, on 25.09.2021, which was sent to the Bettiah Town PS under Section 156(3) Cr.P.C, but the case was registered on 09.03.2022 bearing Bettiah Town PS Case No. 168 of 2022 and in retaliation this false case has been lodged. The dispute is purely of civil nature.



Considering the facts aforesaid and nature of dispute, the petitioner above-named, in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to 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 the learned Chief Judicial Magistrate, West Champaran at Bettiah in connection with Bettiah Town P.S. Case No. 164 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

vinita/-

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