

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22695 of 2023

Arising Out of PS. Case No.-126 Year-2020 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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NARAYAN KUMAR SULTANIA SON OF LATE RADHE SHYAM
SULTANIA @ LATE RADHESHYAM SULTANIYA R/O VILLAGE-
PURAINI, P.S.- PURAINI, DISTRICT- MADHEPURA

... .. Petitioner/s

Versus

1. The State of Bihar
2. DAMODAR MEHTA SON OF LATE BENGAY MEHTA R/O VILLAGE-
PURAINI, P.S.- PURAINI, DISTRICT- MADHEPURA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pawan Kumar
For the Opposite Party/s : Mr.Ram Sumiran Rai

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 24-06-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any, within

a period of three weeks from today.

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case in

connection with Complaint Case No. 126 of 2020 dated

14.10.2020 registered for the offences punishable u/s 323, 379,

406 of the Indian Penal Code.

As per the prosecution's case, the petitioner and his

brother had talked to sell a piece of land with the complainant at

a total consideration amount Rs. 18,00,000/-. Out of Rs.



18,00,000/-, the petitioner and his brother got Rs. 15,00,000/- from the complainant by preparing a Zebeyanama dated 13.06.2019 on assuring that the rest amount of Rs. 3,00,000/- will be paid at the period of registered sale-deed on 21.12.2020. The complainant tried several times for registering sale-deed by getting the rest consideration amount of Rs. 3,00,000/-, but the petitioner kept doing dilly-dally tactics. On 12.07.2020, when the complainant went to the petitioner to get the sale deed registered, the petitioner started abusing in filthy language to the complainant and snatched cash of Rs. 11,000/- from the pocket of the complainant. There is also allegation that the petitioner did not take any notice in spite of sending legal-notice and threatened to dispossess from the alleged land and he will defalcate the consideration amount.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case due to dirty village politics. There is general and omnibus allegation against the petitioner. Learned counsel has further submitted that the alleged zerbeyanama is forged and fabricated document because the petitioner neither executed nor signed on the said zerbeyanama. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. Learned counsel for the



petitioner placed reliance on the judgment in the case of **Bimla Tiwari vs. State of Bihar and others (Special Leave Petition (CRL.) Nos. 834-835 of 2023)** at para 10, the Hon'ble apex court has held that “ we would reiterate that the process of criminal law cannot be utilised for arm-twisting and money recovery, particularly while opposing the prayer for bail.”

Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

Considering the aforesaid facts and circumstances, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Udakishunganj, Madhepura, in connection with Complaint Case No. 126 of 2020, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

The application stands allowed.

(Chandra Prakash Singh, J)

Ajay Singh/-

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