

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27107 of 2023

Arising Out of PS. Case No.-617 Year-2022 Thana- LAHERIYASARAI District- Darbhanga

Shri Krishna Murari Kumar @ Krishna Murari Kumar @ Krishan Murari
Kumar, Son Of Late Janardan Kunwar Residence Of Village - Sri Ram Pipra,
P.S.- Bahadurpur (PATOR O.P.), Distt. - Darbhanga

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Kedar Jha
For the Opposite Party/s :	Mr. Rajiv Nayan
	Mr. Sourav Suman
	Mr. Ravi Prakash
	Mr. Aalekh Anand
	Mr. Perna Kant
	Mr. Arpit Anand
	Mr. Sanchay Srivastava
	Mr. Sushant Srivastava

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 10-08-2023 1. Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.
2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 406, 420, 467, 468, 471 of the Indian Penal Code.
3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and the
informant alleges that petitioner had a talk with him regarding
sale of House No.04/42 of Bihar State Housing Board,
Laheriasarai in 1998 and after taking consideration money,



petitioner signed deed of agreement and deed of assignment. It is next alleged that informant got possession of the house and cleared all the dues of Bihar State Housing Board, but petitioner was not executing the sale deed even after receiving the consideration amount. Later, he came to know that petitioner executed sale deed in favour of another person.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is next submitted that from tenor of the allegation as alleged in the F.I.R., it would manifest that the dispute is purely civil to which a criminal colour has been given. The learned counsel for the petitioner next raises the question that in the event, if the anticipatory bail application of the petitioner is rejected, the petitioner goes to judicial custody, but then, whether the informant will get the flat in question in his name or is it a ploy adopted by the informant to coerce the petitioner into submission to part with the property. It is next submitted that no doubt, agreement and deed of assignment are there, but the context in which they were signed is being disputed. It is also submitted that if what the informant contends is correct and the true facts, then he has remedies available in law of getting the sale deed executed by the petitioner cancelled in favour of the



person, who purchased by a Court of competent civil jurisdiction. It is further submitted that in the event, the informant had moved before a Court of competent civil jurisdiction seeking the relief, based on the allegations alleged in the present F.I.R., the petitioner would have rebutted the same and would have defended the execution of the sale deed.

5. Learned A.P.P. along with learned counsel for the informant opposes the anticipatory bail application, but the learned counsel for the informant is not in a position to rebut the submission of the learned counsel for the petitioner that in the event, if petitioner goes to jail whether the property reverts back to him and also that informant has remedies available in law in getting the sale deed executed by the petitioner cancelled by a Court of competent civil jurisdiction.

6. 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, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga in connection with Laheriasarai P. S. Case No.617 of 2022,



subject to the conditions laid down under Section 438(2) of the
Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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