

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31554 of 2023

Arising Out of PS. Case No.-9 Year-2021 Thana- MATIYARIA District- West Champaran

Ajay Kumar Chhapoliya @ Abhay Kumar Chhapoliya @ Ajay Chhapoliya,
Son of Late Shyama Prasad Chhapoliya, Resident of - Purani Bazar
Ramnagar, P.S. - Ramnagar, Distt. - West Champaran.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Ritwik Thakur, Advocate Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Aditya Narayan Singh.1, APP
For the Informant	:	Mr. Arun, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-06-2023 Heard learned counsel appearing on behalf of the

petitioner, learned counsel appearing on behalf of the State and

learned counsel appearing on behalf of the Informant.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Matiyariya P.S. Case No. 09 of 2021 registered for the offence
under Sections 420, 465, 466, 467, 468, 469, 471, 384, 386, 387
of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 13.02.2023.

The allegation against the petitioner is to cheat



informant and also to ask for extortion for a disputed piece of land having unexplained boundaries as per agreement to sale (Mahadanama).

Learned counsel appearing on behalf of the petitioner submitted that the petitioner and informant works together for sale and purchase activities of land and out of dispute developed due to said business activities, the present false implication was raised. It is also submitted that the disputed land is not even duly explained showing only total area of three bighas which came to possession of informant after expiry of the lease of one sugar mill in 2007 itself. It is also submitted that admittedly as per the narration of written information, the possession of land is with informant and, as such, the allegation appears false on its face. Even, the allegation of extortion is appearing very superficial as per the narration of written information, as just to make aggravate the allegation against the petitioner. Beside these, the narration of written information is not even satisfying the ingredients of Section 420 of Indian Penal Code, as alleged. While concluding the argument, it is submitted that investigation of this case is completed, for which charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.



Learned APP, duly assisted by learned counsel Mr. Arun appearing on behalf of the informant submitted that the allegation of cheating is specific against this petitioner but fairly conceded that as per narration of written information the land in issue is in possession of informant.

Considering the facts and circumstances as mentioned above, as the disputed piece of land appears in possession of informant as per narration of the FIR itself, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 13.02.2023 accordingly, petitioner above named, is directed to be released on bail in connection with Matiyariya P.S. Case No. 09 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Bettiah, West Champaran/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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