

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35965 of 2023

Arising Out of PS. Case No.-2164 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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Mohanchand Upadhyay Son Of Late Mosaddi Upadhyay R/V - Bhojpur
Colony, Ashok Nagar, Kankarbagh, P.S. - Kankarbagh, Distt. - Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Arjun Prasad Son Of Late Ayodhya Prasad R/V - Maa Sharda Store,
Daldali Road, P.O. And P.S. - Kadamkuan, Distt. - Patna, Pin - 800003

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Sinha
For the State	:	Mr. Yogendra Kumar Singh
For the Complainant	:	Mr. Saket Gupta

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 10-10-2023 Heard learned counsel for the petitioner and learned

A.P.P. for the State assisted by learned counsel for the

complainant.

2. The petitioner apprehends his arrest in a case

registered for the offences punishable under Sections 420, 34 of

the Indian Penal Code.

3. As per the prosecution case, it is alleged that all

the accused have received the amount from the complainant and

his wife on different dates for providing land but the land

executed by the accused persons is a Garmazarua Mallik land

and its sale and purchase is not valid.

4. Learned counsel for the petitioner submits that



the petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that the petitioner is ready to pay Rs. 46,40,000/- if the complainant is ready to execute the sale deed of the land in favour of the petitioner. Petitioner has one criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State and learned counsel for the complainant opposed prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and arguments made by the parties, let the above named petitioner, be released on **provisional bail** for **one month**, in the event of his 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. 2164 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. Both the parties are directed to appear before the Registry Office and the complainant is directed to register the sale deed in favour of the petitioner and also withdraw the title



suit filed against the petitioner in the Court below and the petitioner will not raise any question in future that the land is Garmazarua Mallik land and not file any case with regard that the complainant has sold the Garmazarua Mallik land.

8. The learned Court below shall confirm the provisional of the petitioner after satisfying that the petitioner has paid Rs. 46,40,000/- to the complainant and the complainant has registered the sale deed in favour of the petitioner.

(Anjani Kumar Sharan, J)

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