

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39738 of 2023

Arising Out of PS. Case No.-3 Year-2022 Thana- INDUSTRIAL District- Bhagalpur

Rahul Kumar, aged about 29 years (Male), Son of Kamaldev Yadav @ Karu Yadav, Resident of Village- Purani Dyorhi, P.S.- Barari, Distt- Bhagalpur.

... .. Petitioner

Versus

1. The State of Bihar.
2. Rajesh Thakur @ Rajesh Kumar Thakur, S/O Mohan Thakur, resident of village-Nagarpara, P.S. Bhawanipur (Bihpur), District-Bhagalpur.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Brij Nandad Prasad, Advocate
For the O.P. No. 2	:	M/S. Atul Kumar and Narendra Kumar Singh, Advocates
For the State	:	Mr. Uday Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 05-12-2023 This matter has been listed under the heading “For Orders (on office notes)”. In the meantime, learned counsel for the opposite party no. 2 has appeared and filed a Vakalatnama on behalf of the opposite party no. 2, in course of the day.

2. 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.

3. Heard learned counsel for the petitioner, learned counsel for the opposite party no. 2 and learned Additional Public Prosecutor for the State.

4. The petitioner is apprehending his arrest in connection with Industrial P.S. Case No. 03 of 2022 dated



05.01.2022 registered for the offences punishable under Sections 420 and 406/34 of the I.P.C.

5. As per the prosecution case, an agreement dated 20.03.2018 was executed amongst the informant and the co-accused Kamaldev Yadav @ Karu Yadav which was bound to execute sale deed in three months after accepting sale consideration for 1440 Sq. fit land out of his total land as detailed in F.I.R. The informant no. 2 Ramesh Kumar also made similar allegation for 720 Sq. fit. On 28.02.2021, the co-accused Kamaldev Yadav @ Karu Yadav and his three sons including the petitioner came on the land and started cleaning. On asking, the co-accused alongwith others entered into heated arguments and, on being quizzed, it came to knowledge that the co-accused Kamaldev Yadav @ Karu Yadav got the said land mutated in his name in October, 2020 itself and later on got the said land mutated in the names of his three sons including the petitioner.. The F.I.R. named persons had dishonesty cheated them by usurping the advance money and then to avoid agreement and got the said land mutated in the name of his three sons including the petitioner causing physical, mental and financial harassment and loss to the informants.

6. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has been falsely implicated in this case. There is general and omnibus allegation against the petitioner. The petitioner wanted to sale the land to the informant on consideration amount but the informant paid only Rs. 3,00,000/- lacs through cheque but rest amount could not be paid within the stipulated period. It is further submitted that after expiry period of agreement, the petitioner cancelled the agreements and informed the informants. It is a civil dispute. The co-accused Kamaldev Yadav @ Karu Yadav has already returned Rs. 4,00,000/- to the informant and has been granted anticipatory bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 44185 of 2022 under order dated 16.11.2022, annexed as Annexure-2 to the bail application. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

7. Learned A.P.P. for the State and learned counsel for the informant have opposed the prayer for anticipatory bail of the petitioner.

8. Considering the aforesaid facts and circumstances of the case, 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/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Bhagalpur in connection with Industrial P.S.Case No. 03 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

9. The application stands allowed.

(Chandra Prakash Singh, J)

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