

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34189 of 2023

Arising Out of PS. Case No.-1333 Year-2022 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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Aditya Kumar Son Of Birendra Ram Village- Lalbihari Singh Ke Tola Ps-
Jagdishpur Dist- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Avdhesh Kumar Yadav Son Of Mohan Singh Village- Morcha Ps-
Jagdishpur Dist- Bhojpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Shivanand Singh, Adv.
For the State	:	Mr. Uma Shankar Prasad Singh, A.P.P.
For the Opposite Party	:	Mr. Shiv Prasad Gupta, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 29-08-2023 Heard learned counsel for the petitioner and learned

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

complainant.

2. Learned counsel for the petitioner has filed a

supplementary affidavit on behalf of the petitioner in the present

case.

3. Let it be kept on record.

4. The petitioner apprehends his arrest in a case

registered for the offences punishable under Sections 420, 379,

323, 504, 506 of the Indian Penal Code.

5. As per the prosecution case, it is alleged that

petitioner has taken money from the complainant in the name of



registry of land but he neither executed the sale deed nor returned the money.

6. 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 there is no specific overt act against the petitioner. By way of supplementary affidavit, learned counsel for the petitioner submits that the petitioner has not suppressed any material facts including his antecedents, the petitioner has no knowledge about pendency of complaint case as no notice or summon has been issued by the learned Court in this matter. Petitioner has three criminal antecedents as mentioned in para-3 of this application.

7. Learned APP for the State and learned counsel for the complainant opposed the prayer for anticipatory bail and submitted that the petitioner has taken the consideration money for registry of land but not registered the same in favour of the complainant.

8. Considering the facts and circumstances of the case and the fact that there is civil nature dispute between the parties, let the above named petitioner, be released on bail, 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. 1333(C) of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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