

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42373 of 2023

Arising Out of PS. Case No.-1278 Year-2020 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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DURGA PRASAD S/O LATE SITARAM SAH R/O Mohalla- P.N.T.
Gaushala Chowk Majar, Near Atta Chakki, in front of St. Xaviers School, P.S-
Mithanpura, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ashok Kumar Gupta S/O Late Mishrilal Prasad R/O Village- Sadpura,
Nandan Bhawan, near Durgha Asthan, Post- Ramna, P.S- Kazi
Mohammadpur, Distt.- Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raju Kumar
For the Opposite Party/s : Mr. Mithlesh Kumar Khare

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-08-2023 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The informant alleges that he gave Rs. 4,52,000/-
through cash and cheque to the petitioner for executing sale deed in
respect of khata No. 628, khesra No. 601 (ka) (kha) area 6 hectares
and later on he came to know that the land was registered in the name
of State of Bihar and thus he was cheated of Rs. 4,52,000/-.

3. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent.

4. Learned counsel for the petitioner submits that the
petitioner has been falsely implicated in the present case, it is next
submitted that dispute appears to be civil to which a criminal colour



has been given, it is also submitted that no doubt that some part of the land belongs to the State of Bihar and some part of the land is registered in the name of his maternal grandmother.

5. Learned A.P.P. for the State opposes the anticipatory bail application of the petitioner and submits that the petitioner appears to be a cheat and a fraud, it is next submitted that had the land been registered in the name of the maternal grandmother of the petitioner, in that event the same would have been pleaded in the anticipatory bail application, it is also submitted that the anticipatory bail application does not even remotely suggests or pleads that the land which the petitioner intended to sell was not recorded in the name of the State of Bihar which amply demonstrates the conduct of the petitioner.

6. Considering the submission of the learned A.P.P. for the State, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

7. Accordingly, the prayer for anticipatory bail application to the petitioner stands rejected.

(Satyavrat Verma, J)

HarshPandey/-

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