

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40218 of 2022

Arising Out of PS. Case No.-24 Year-2022 Thana- SULTANGANJ District- Patna

ABHISHEK SWARUP Son of Late Anil Swaup Resident of Bhagirathi Lane,
Mahendru, P.O. and P.S.- Sultanganj, District - Patna, Bihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Nath
For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

5 09-02-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner apprehends arrest in connection with
Sultanganj P.S. Case No. 24 of 2022 registered for the offence
under sections 406, 420, 467, 341, 323, 379, 504, 506 of the
Indian Penal Code.

Learned counsel for the petitioner submits that
petitioner has not committed any offence as alleged in the first
information report and he has been falsely implicated in this
case. Both the parties are relatives that there is property dispute
between them. Petitioner has not played any fraud. This case has
been falsely lodged with intention to grab the property. The
informant threatened the petitioner of dire consequences and
abused him and in that connection petitioner filed a complaint
vide Annexure-P3. Petitioner also filed an information petition



before the Court of Chief Judicial Magistrate, Patna vide Annexure-P4. Petitioner also served a legal notice on the informant vide Annexure-P5. As a matter of fact, the petitioner has acquired legal tile of the said house through a compromise decree by order dated 30.12.2006 (Annexure-P6) passed by the then Presiding Officer of the permanent Lok Adalat to whom the matter was referred in Title Partition Suit No. 132 of 2006 filed by the informant. The dispute involved between the parties is purely civil in nature.

Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, the petitioner, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, VI, Patna City, Patna in connection with Sultanganj P.S. Case No. 24 of 2022 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Arvind Srivastava, J)

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