

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46997 of 2023

Arising Out of PS. Case No.-142 Year-2018 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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RAM BIDESH YADAV Son of Late Tanuki Yadav @ Rupan Yadav Village-
Harpur Kala Ps- Biraul Dist- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Musharu Yadav son of late Ram Sarobar yadav Village- Soharbaghat Ps-
Kusheshwar Dist- Darbhanga

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Advocate Mr. Ravi Prakash, Advocate Mr. Vinod Kumar, Advocate Mr. Udeshya Kumar Yadav, Advocate Mr. Rajesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Surendra Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with Darbhanga
Complaint Case No. 142 of 2018 registered for the offence under
Sections 420, 467, 471 and 120-B of the Indian Penal Code (in short
'I.P.C.') and learned Court below took cognizance against this
petitioner under Section 420 of the I.P.C.

3. The accused/petitioner is named in the complaint
petition and is in custody since 29.05.2023.

4. The allegation against the petitioner is to fraudulently
sell land of *six dhur* which belongs to the complainant.



5. Learned counsel appearing on behalf of the petitioner submitted that alleged land belongs to this petitioner, where on the basis of his executed sale-deed, mutation was also recorded in favour of purchaser after verifying the facts by revenue department. It is further pointed out that the matter purely arises out of civil disputes and the present criminal proceeding is only appearing abuse of criminal justice delivery system, where the fact of case is not suggesting any legal ingredients to established a, *prima facie*, case under Section 420 of the Indian Penal Code. It is submitted that petitioner is a man of clean antecedent.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as dispute appears, *prima facie*, civil in nature where petitioner is in custody since 29.05.2023, accordingly, above named petitioner is directed to be released on bail in connection with Dharbhanga Complaint Case No. 142 of 2018 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Benipur, Darbhanga/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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