

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49593 of 2023

Arising Out of PS. Case No.-539 Year-2021 Thana- BUXAR COMPLAINT CASE District-
Buxar

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SRI NIWAS SINGH Son of Late Neharu Singh Resident of Old Rice Mill,
Itarhi Road, P.S. Buxar Muffasil, District Buxar

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. RAJAN TIWARY Son of Surya Bhushan Tiwary Resident of Pandey Patti,
P.S. Buxar Miffasil, District Buxar, at Present Quarter No. 5, New Plot
Bhalu Basha, P.O. Agrico, P.S. Sitarampur, Jamshedpur, District Sihbhum
East (Jharkhand)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Verma, Advocate.
For the Opposite Party/s : Mr.Rajendra Prasad Nat, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-08-2023 Heard Mr. Sanjay Kumar Verma, learned counsel for

the petitioner and Mr. Rajendra Prasad Nat, learned Additional

Public Prosecutor appearing for the State.

2. Petitioner apprehends his arrest in connection with

Complaint Case No. 539(C) of 2021 registered for the offence

punishable under Sections 467, 468 and 471 of the Indian Penal

Code.

3. The allegation made in the Complaint Case No.

539(C) of 2021 filed by the Complainant Rajan Tiwari is that he

along with his father and brother sold 2 acres 55 decimals of

land for a consideration amount of Rs.2 Crores by virtue of



seven sale deeds executed in favour of the accused persons. It has further been alleged that accused No. 1 i.e. the petitioner, his brother and accused No. 2 who was present at the time of execution of the sale deed and all the accused persons with *mala fide* intention got one extra sale deed executed in the same *Mouza* having an area of 1 *Kattha* 5 *dhoors* in favour of the petitioner without any consideration amount.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of concocted story and the allegation made in the complaint case gives rise to a civil dispute. He further submits that that a Title Suit No. 194 of 2021 has also been filed by the Complainant for cancellation of sale deed allegedly made in favour of the petitioner without any consideration amount which is pending in the court of learned Sub Judge-VI, Buxar.

5. Regards being had to the submission made by the parties and taking into consideration the nature of dispute and the fact that the Complainant has already filed a Title Suit for cancellation of sale deed executed in favour of the petitioner, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner,



above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Buxar, in connection with Complaint Case No. 539(C) of 2021, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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