

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51147 of 2023

Arising Out of PS. Case No.-1808 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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RAJEEV SHARMA SON OF NIRANJAN SINGH VILLAGE AVADHARA,
PS- DHANARUA, DIST- PATNA

... .. Petitioner/s

Versus

1. The State of Bihar
2. ARUN KUMAR SON OF LATE LAL BAHADUR SINGH RESIDENT OF
VILLAGE- AAROPUR, PS- NAUBATPUR, DIST- PATNA. AT PRESENT
VILLAGE- BABHANPURA, PS- PHULWARISHRIF, PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Praveen Kumar
For the Opposite Party/s : Mr.Suresh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 09-11-2023

1. Heard the parties.

2. The petitioner apprehends his arrest in connection
with Complaint Case No. 1808(C) of 2016 dated 07.06.2016
registered under Sections 323, 406, 420, 464, 466, 467, 468,
471, 474, 120(B) of the Indian Penal Code.

3. As per the complaint, the petitioner along with one
another person was given the power of attorney for sale of the
land belonging to the complainant and others. The area of the
land according to the complainant has been changed by the
petitioner and one Rajesh Kumar.

4. Learned counsel for the petitioner submits that
petitioner has not committed any offence in the manner alleged



and in a similar complaint filed against the sister- in- law of the complainant having the same allegation a Co-ordinate Bench of this Court in Cr. Misc. No. 44976 of 2023 has granted bail to the co-accused / Raj Kumar Sharma and Sanju Devi vide order dated 30.08.2023. Learned counsel next submits that on the basis of power of attorney given by the complainant the land in question has been sold by the petitioner. He further submits that a Title Suit is pending for the same set of facts filed by Sanju Devi i.e. sister-in-law of the complainant bearing Title Suit No. 266 of 2011.

5. On the other hand, learned counsel for the Opposite Party No. 2 opposed the prayer for bail and submits that petitioner has exceeded his power and after changing the area of the land has sold the same in favour of some other person in connivance with the co-accused / Rajesh Kumar. Learned counsel further submits that power to manage the land to the extent of 1.833 decimal was given to the petitioner but he has sold the land up to 44.712 decimal.

6. Regard being had to the submission made by the parties, taking into consideration the fact that on similar facts a Co-ordinate Bench of this Court has granted bail to the co-accused, the allegation is based upon documents, Title Suit is



already pending between the parties and there is no likelihood that the petitioner will abscond or tamper with the evidence, as such, I am inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Sub Judge XIII cum A.C.J.M.-XIII, Patna in connection with Complaint Case No. 1808(C) of 2016 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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