

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48909 of 2023

Arising Out of PS. Case No.-947 Year-2021 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

Abdhesh Kumar @ Awadhesh Kumar S/O Late Asharfi Yadav R/O Village-
Partaha, P.S- Nauhatta, Distt.- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anil Kumar Singh S/O Late Dip Narayan Singh R/O Officer Colony Gidhi A, P.O- Gidhi A, P.S- Gidhi A, Distt.- Ramgarh, Jharkhand, Permanent resident of Vilage and P.O- Dina Chakla, P.S- Pasraha, Distt.- Khagaria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Complaint Case No. 947-C of 2021, registered on 02.12.2021, for the alleged offence under Sections 467, 468, 471, 120(B), 406, 419, 420, 341, 323, 504, 506, 34 of the Indian Penal Code while the cognizance has been taken under Sections 406, 467, 468, 420/34 of the Indian Penal Code.

03. As per prosecution case, the petitioner in connivance with co-accused Chandradeo Ram, got some sale-deeds executed for 158 decimal of land by a person who



impersonated the elder brother of the complainant.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is a *bona fide* purchaser from the elder brother of the complainant of the land in question. From the complaint petition, it is apparent that the same was lodged on 02.12.2021 and the brother of the complainant died in the previous year, but the sale-deed of the petitioner was executed in the year 2018 and during the intervening period, no objection was raised by any person. The sale-deed of the petitioner was executed after payment of consideration money and there is no wrong doing on part of the petitioner. The brother of the complainant never made any complaint about his being impersonated by any other person in the sale deed of the petitioner. Moreover, the dispute is civil in nature. Learned counsel further submits that similarly placed co-accused persons have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 29.05.2023 passed in Criminal Misc. No. 16550 of 2023.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and



submission made on behalf of the parties and considering the civil nature of dispute of the matter with vague allegation against the petitioner and possibility of false implication, let the petitioner, above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1st Class, Saharsa/concerned court in connection with Complaint Case No. 947-C of 2021, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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