

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55261 of 2023

Arising Out of PS. Case No.-34 Year-2021 Thana- LODIPUR District- Bhagalpur

Sunil Kumar Singh S/O Shriram Singh R/O Village- Lodipur Khurd, P.S.
Lodipur, Dist. Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mrs. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the Opposite Party/s	:	Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-09-2023 Heard Mr. Ajay Kumar Thakur, learned counsel

appearing on behalf of the petitioner and the learned Additional

Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Lodipur P.S. Case No. 34 of 2021, registered for the
offences punishable under Sections 420, 467, 468, 471 and
120(B) of the Indian Penal Code.

3. Allegedly, the petitioner without having ownership
of the land, sold the same to different persons, which land
comes within the share of the informant.

4. Learned counsel appearing on behalf of the
petitioner submits that from the FIR it would be evident that not
a single purchaser has come forward and instituted any case



against the petitioner rather the informant, who happens to be cousin of the petitioner has instituted this case, with whom there is an enmity. He next submits that even if the allegation is taken to be true, no case much less under Section 420, 467, 468 and 471 are made out. Reliance has also been made upon the judgments rendered by the Supreme Court in the case of *Mohammed Ibrahim and Others Vs. State of Bihar and Another* reported in **2009 (8) SCC 751** and further in the case of *Devendra and Others Vs. State of Uttar Pradesh and Another* reported in **2009 (7) SCC 495**. He next submits that the informant has other remedy available under the civil law, but only in order to spite the petitioner and wreck his vengeance, the present case has been instituted, moreover, the petitioner undertakes that he will fully co-operate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that petitioner knowing very well, that the land does not belong to him, has sold the same to other and, as such, fraud has committed on his part.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation,



which is pre-dominantly civil in nature, apart from the settled legal position as relied by the petitioner and the undertaking given by him, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Bhagalpur in connection with Lodipur P.S. Case No. 34 of 2021, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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