

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57098 of 2023

Arising Out of PS. Case No.-1167 Year-2022 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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Chandra Nath Thakur Son Of Vachasparti Thakur Resident Of Mohalla -
Bella Garden, Naugaddi, in front of Polytechnic, P.S. - L.N.M.U., District -
Darbhanga

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Shanti Chaudhary Wife Of Laxmi Nath Chaudhary Resident Of Mohalla -
Bela Garden, P.S. - L.N.M.U., District - Darbhanga

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Raj Dular Sah, Advocate
For the Complainant	:	Dr. Binod Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. Narendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 13-12-2023 Heard Mr. Raj Dular Sah, learned counsel for the

petitioner, Dr. Binod Kumar Jha, learned counsel appearing on

behalf of the Complainant and Mr. Narendra Kumar Singh,

learned APP for the State.

2. The petitioner is apprehending his arrest
connection with Complaint Case No. 1167 of 2022 dated
22.09.2022 registered for the offences punishable under
Sections 120(B), 420, 467, 468, 471 of the Indian Penal Code.

3. Allegation against the petitioner is that the
complainant has been duped of Rs. 24,00,000/- in the name of
executing the sale deed with respect to a land measuring 1 katha



but subsequent to execution of sale deed the accused persons sprang up accused no. 5 (as mentioned in the complaint petition) to deny the complainant right, title, interest and possession of her said purchased land. It is further stated that the petitioner received Rs. 8,00,000/- from the complainant against the consideration money of the land.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that as per allegation in the complaint petition the complainant has paid the consideration amount through the petitioner and when the complainant had gone to the land in question for construction of boundary the other co-accused persons had objected for the same. Learned counsel for the petitioner further submits that the allegation as alleged in the complaint petition is false and fabricated and pursuant to the consideration amount in question the land in question was registered in favour of the complainant. The petitioner has executed a sale deed in favour of the complainant and thereafter the same has been mutated in the name of the complainant and the petitioner is not involved at all in the present case.

5. Learned counsel appearing on behalf of the



Complainant as well as learned APP for the State, opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner in collusion with the other co-accused persons have tried to grab the land of the complainant.

6. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class-X, Darbhanga in connection with Complaint Case No. 1167 of 2022, Trial No. 1004 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move



for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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