

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.64033 of 2023**

Arising Out of PS. Case No.-4 Year-2023 Thana- EAST CHAMPARAN COMPLAINT  
District- East Champaran

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KISHORI LAL SAH Son Of Late Rameshrey Sah Resident Of Village-  
Gonaha, Harnahi, Ward No. 12, Ps- Raxaul, Distt- East Champaran, Motihari

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. MEENA DEVI Wife Of Late Sohanlal Sahini Resident Of Village-  
Kharkatwa, Ps- Palanwa, Distt- East Champaran, Motihari, Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner : Mr. Akshay Ashish, Advocate  
For the State : Mr. Dashrath Mehta, APP

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      18-10-2023      1.      Heard learned counsel for the petitioner and  
learned APP for the State of Bihar.

2.      The petitioner is apprehending his arrest in  
connection with Complaint Case No. 04 of 2023 registered for  
offence punishable under Sections 406 and 420 of Indian Penal  
Code.

3.      As per prosecution case, the complainant has  
alleged that the petitioner has taken money from her for selling  
of lands whereas he has given possession of other lands for  
which no documents is being executed.

4.      It is submitted by learned counsel for the petitioner  
that the allegations in the complaint at best make out a



predominantly civil dispute between the parties for which resort to the criminal proceedings is to coerce the petitioner to come to terms in the civil issue. The petitioner has no antecedents and the complaint has been lodged four years after the alleged agreement was entered into between the parties.

5. Learned APP for the State has opposed the prayer for bail.

6. Considering the rival submissions, nature of disputes sought to be raised in the criminal proceedings and clear antecedents of the petitioner, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

7. Petitioner's prayer for anticipatory bail is allowed.

8. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1<sup>st</sup> Class, Raxual, East Champaran, Motihari, in connection with Complaint Case No. 04 of 2023, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will



give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.  
(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

**(Madhuresh Prasad, J)**

shashank/-

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