

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6529 of 2024

Arising Out of PS. Case No.-68 Year-2023 Thana- KESARIA District- East Champaran

RAJAN KUMAR S/O BIRENDRA PRASAD GUPTA R/O VILLAGE-
KESARIYA HAMIDPUR, P.S- KESARIYA, DISTT.- EAST CHAMPARAN
(MOTIHARI).

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Mishra

For the Opposite Party/s : Mr.Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 20-02-2024 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Kesariya P.S. Case No. 68 of 2023 dated 08.02.2023 registered under Sections 406, 420 and 379 of the I.P.C.

3. As per the First Information Report the informant purchased 15 Dhur of land from the uncle of the petitioner namely, Rajendra Prasad Gupta on 08.08.2022 in the name of his wife. It has been alleged that the father of the petitioner and brother of Rajendra Prasad Gupta namely, Birendra Prasad agreed to sale 15 Dhur of land in favour of the informant on consideration amount of Rs. 25 lakh out of which the informant paid Rs. 20 lakh in installments and Rs. 5 lakh was to be paid by the informant at the time of execution / registration of the sale



deed in November, 2022, however the petitioner's father was not willing to execute the sale deed in favour of the informant for which a *panchayati* was held on 19.12.2022 and on 21.12.2022 the petitioner along with his father and brother also signed on the agreement for sale of the land.

4. Learned counsel for the petitioner submits that there is no written agreement for sale between the petitioner, his father and the informant. The informant is trying to grab 06 Dhur of land of the petitioner's father for which a false case has been lodged in order to pressurize the petitioner and his family members. Learned counsel next submits that from perusal of the F.I.R. it appears that land dispute has been given colour of criminal case. The F.I.R. discloses at best civil dispute for which the informant has separate remedy under civil law.

5. Regard being had to the submission made by the parties and taking into consideration the nature of allegation, I am inclined to grant anticipatory bail to the petitioner.

6. 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 Chief



Judicial Magistrate, East Champaran (Motihari) in connection
with Kesariya P.S. Case No. 68 of 2023 subject to the condition
as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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