

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10793 of 2024

Arising Out of PS. Case No.-826 Year-2022 Thana- GAYA COMPLAINT CASE District-
Gaya

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AWANINDRA KUMAR MISHRA Son of Ravindra Kumar Mishra Residence
of Village-Gaya Raniganj Gareriya, P.S.-Imamganj, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. ANUJ KUMAR SINHA Father's Name not given Residence of Village
Raniganj Gareria, District-Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Akash Anand
For the State	:	Mr. Madhura Nand Jha
For the O.P. No. 2	:	Mr. Aryan Singh

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 10-04-2024 Heard learned counsel for the petitioner, learned

A.P.P. for the State and learned counsel for the opposite party

no. 2.

2. Earlier by order dated 17.08.2023 passed in Cr.

Misc. No. 46122 of 2023, the anticipatory bail application of the

petitioner was withdrawn by learned counsel for the petitioner

on the instruction of the petitioner. This is second attempt of the

petitioner for grant of anticipatory bail.

3. The petitioner apprehends his arrest in a case

registered for the offences punishable under Sections 406, 420,

323, 506 of the Indian Penal Code.

4. As per the prosecution case, the complainant



along with four persons purchased 16 decimal land at Rs. 12,00,000/- from Awantika Mishra. Further on 01.11.2022, the complainant went to his plot then the petitioner and other co-accused persons raised objection and took out pistol and raised possession over the land.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that as a matter of fact the petitioner has got the same land from his grandmother as a part of will for which he has filed a Probate Case No. 96 of 2022 and has transferred his own share of land to his own wife, thus any kind of fraud has not been made. He further submits that civil suit is pending in the Court below i.e. Title Suit No. 110 of 2022. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

6. Learned APP for the State and learned counsel for the opposite party no. 2 opposed the prayer for anticipatory bail and submitted that the opposite party no. 2 has purchased the said land from the mother of the petitioner, but the petitioner obstructed O.P. No. 2 from taking possession of the said land.



7. Considering the facts and circumstances of the case, arguments of the parties and perusal of the records and the fact that it is civil dispute between the parties, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Complaint Case No. 826 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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