

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13021 of 2024

Arising Out of PS. Case No.-250 Year-2023 Thana- GAYA MUFASIL District- Gaya

Rakesh Kumar Son of Dharendra Singh Resident of Village- Upathu (Upthu),
Police Station- Atri, District- Gaya and present resident of Lakhibag,
Dalmiyan Compound, Near Khadi bhandar, Police Station- Muffasl, District-
Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Aryan Singh
For the Opposite Party/s	:	Mr. Lalan Kumar
For the O.P. No. 2	:	Kumar Dharendra Pratap Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-03-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State along with learned counsel for the
O.P. No. 2

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 342,
323, 379, 386, 504, 506 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that the
petitioner has antecedent of six cases, but then the criminal
antecedent should not dissuade the Court from considering the
application of the petitioner seeking anticipatory bail, rather the
allegation as alleged in the FIR be appreciated.

4. The informant alleges that petitioner confined him



in his house and forcefully got certain documents signed and even obtained signature on blank paper and taking advantage of the same got land of the informant executed in favour of his wife. It is next submitted that what is not in dispute rather stands admitted from the allegation as alleged in the FIR itself is that the petitioner and the informant are own cousin brothers (*Mausera*). It is further submitted that the informant alleges that under threat he was made to execute sale deed with respect to his land in favour of the wife of the petitioner on 20.02.2023, but thereafter on 22.02.2023, the informant executed another sale deed with respect to the same land in favour of one Chandan Kumar. It is next submitted that thereafter on 27.02.2023, the present FIR came to be instituted. It is further submitted that if the informant was confined by the petitioner and he was made to execute sale deed with respect to his land in favour of the wife of the petitioner on 20.02.2023 then why no FIR came to be instituted on the same day or a day thereafter, why it took seven days for the informant to institute the instant FIR, It is next submitted that since the informant had sold the same land to Chandan Kumar, as such, in order to cover up his misdeed, the present false FIR was instituted. It is thus submitted that the dispute is purely civil to which a criminal



colour has been given.

5. Learned A.P.P. for the State along with learned counsel appearing on behalf of the O.P. No. 2 opposes the prayer for anticipatory bail of the petitioner but then are not in a position to rebut the submissions of the the learned counsel for the petitioner that as to why the FIR came to be instituted after executing two sale deeds i.e. on 20.02.2023 and 22.02.2023, though a feeble effort has been made by the learned counsel appearing on behalf of the O.P. No. 2 to submit that the informant was so frightened of the petitioner that he was not gathering courage to get an FIR instituted but it was only after Chandan Singh was ready to help him he could gather courage to get the FIR instituted, the said submissions of the learned counsel appearing on behalf of the O.P. No. 2 is rebutted by the learned counsel for the petitioner and submits that had the informant been so frightened with the act of the petitioner, in that event, he would not have executed the sale deed with respect to the same land in favour of Chandan Kumar.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on



anticipatory bail on furnishing bail bonds of Rs. 10,000/-
(Rupees Ten Thousand) with two sureties of the like amount
each to the satisfaction of the learned trial court where the case
is pending/successor court in connection with Muffasil P.S. Case
No. 250 of 2023 subject to the conditions as laid down under
Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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