

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22706 of 2024

Arising Out of PS. Case No.-230 Year-2023 Thana- NAYA RAM NAGAR District- Munger

Kartik Maharaj Son of Late Chatarbhuja Maharaj Village Chandanpura, PS
Naya Ram Nagar, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Manoj Kumar Jha, Advocate
For the Opposite Party/s :	Mr. Kanhiya Kishor, A.P.P.
For the Informant :	Ms. Vagisha Pragya, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 26-06-2024 Heard learned counsel for the petitioner, informant
and the State.

2. Petitioner apprehends arrest in a case registered for
the offences punishable under Sections 406, 420, 467, 468,
471/34 of the Indian Penal Code.

3. Prosecution case, in brief, is that all the F.I.R.
named accused persons including this petitioner contacted the
informant regarding sale of piece of land. It is alleged that the
informant transferred total consideration money of Rs.
34,56,000/- in the account of accused persons on different dates
but the accused persons only executed the sale deed of land of
only Rs. 4,56,000/- and when the informant went to the Circle
Office, Jamalpur and filed application for mutation for the said



purchased land, he came to know that the land in question is a Gair Majarua Aam land. Informant further came to know that the accused persons illegally got the Jamabandi of the said land created in their favour and executed the sale deed to him and denied to return the additional amount to the informant.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case. He next submits that the land in question was settled through Hukumnama by the ex-landlord namely, Babu Krishna Prasad of Madhopur, Munger in favour of mother of the petitioner and since the date of settlement, mother of the petitioner is having peaceful physical possession over the said land and the ex-landlord had been granting rent receipts till the vesting of Jamindari (Annexure-P/2 Series). He further submits that Jamabandi No. 1261 with respect to the disputed land and other has been created in favour of mother of the petitioner and rent receipts have also been granted till the year 2022-23. It is not in dispute that the petitioner has executed the sale deed in the name of the informant and it is also not in dispute that till date mutation is running in the name of mother of the petitioner. Moreover, the dispute is of civil nature and informant has got alternative remedy before the civil court. Petitioner claims clean



antecedent.

5. Learned counsel for the informant vehemently opposed the bail application.

6. Considering the aforesaid facts and circumstances of the case, this anticipatory bail is allowed and it is ordered that let the above named petitioner in the event of his arrest/surrender before the court below within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-I, Munger in connection with Naya Ram Nagar P. S. Case No. 230 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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