

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19994 of 2023

Arising Out of PS. Case No.-547 Year-2018 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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DINESH KUMAR PRASAD @ DINESH KUMAR GUPTA S/O LATE
BHARAT SAH Resident of Village- Bishikalan, P.S.- Dinara, District-
Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. RAMAWATI DEVI W/O SURENDRA SHARMA Resident of Village-
Bisikalan, P.S.- Dinara, District- Rohtas.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Opposite Party/s : Mr. Kanhaiya Kishore, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 23-02-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 420, 468,
323, 504 and 120(B) of the Indian Penal Code.

3. Learned counsel submits that notice on behalf of
the opposite party no. 2 was received by her husband and,
accordingly, an application of jointness has been filed that
opposite party no. 2 is residing with her husband.

4. In view of the fact that an application of jointness
has been filed, as such, the notice has been deemed to have been
validly served.

5. Learned counsel next submits that despite receiving



notice, the opposite party no. 2 chooses not to contest the case.

6. Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that a purely civil dispute has been given a criminal colour. It is further submitted that the complainant alleges that she is an illiterate woman and the accused persons including the petitioner, after hatching a conspiracy, sold 10 decimal of land at Mauza Bisikalan, Khata No. 24, Khasra No. 717, total area 36 decimal to her when the land was earlier sold by Bharat Sah, the father of the petitioner to another person but then the accused persons including the petitioner sold the land to the complainant on a plea that the land is free from all encumbrances.

7. Learned counsel for the petitioner further submits that from perusal of the allegation, it would manifest that the complainant alleges that the land was sold to her by Panjariya Devi and this petitioner has no concern with Panjariya Devi nor this petitioner had executed the sale deed nor he is a witness on the sale deed rather came to be implicated only on the ground that the father of this petitioner had sold the land earlier to someone else. It is next submitted that the land was sold in the year 2010 and the complainant filed the present complaint case in the year 2018 i.e. after eight years of the occurrence which



further casts an aspersion on the case of the prosecution. It is also submitted, at the cost of repetition, that petitioner is not involved in the transaction of sale and purchase of the land in question which was in between Panjariya Devi and the complainant.

8. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

9. 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 Court below 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 court below where the case is pending/successor court in connection with Complaint Case No. 547 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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