

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28328 of 2024

Arising Out of PS. Case No.-622 Year-2021 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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Prem Kumar SON OF Nand Kishore Singh Resident of village - MAHESH
KHUNT, PS- MAHESHKHUNT, DIST- KHAGARIA

... .. Petitioner/s

Versus

1. The State of Bihar
2. AMOD YADAV SON OF LATE SINDHO YADAV Resident of village -
MUNGARIA TOLE PAKRAIL, PS- MAHESHKHUNT, DIST-
KHAGARIA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Shiva Shankar Sharma, Adv.
For the Opposite Party/s :	Mr. Sanjay Kumar Singh, APP.
	Mr. Rohitashna Kumar, Adv.
	Mr. Sanjay Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 04-10-2024 Heard learned counsel for the petitioner, learned A.P.P. for
the State and learned counsel for the complainant.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 323, 420,
406, 467, 468, 471, 34 of the Indian Penal Code.

3. The prosecution case, in brief, is that on 02.11.2021,
when the complainant was working on his land, co-accused
Vakil Yadav and Nitesh Kumar came to the complainant and
restrained him and other labourers to work saying the land in
question belongs to them as they had purchased the said land
from the petitioner. Thereafter, the complainant obtained



certified copy of the sale deed and came to know that the petitioner has fraudulently sold the land in question through registered sale deed.

4. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has committed no offence. No such occurrence as alleged has ever taken place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. He has no role in the alleged occurrence. The fraud has been committed by two other co-accused persons in collusion with the scribe. It is further submitted that the grievance of the complainant is genuine and the vended land in both sale deed belongs to the complainant. Learned counsel for the petitioner further submits that he is ready to deposit Rs. 2,37,000/- in Nazarat in the learned Court below. It is further submitted that petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State as well as learned counsel for the complainant opposes the prayer for bail.

6. Having regard to the facts and circumstances of the case, as the petitioner is ready to deposit Rs. 2,37,000/- in Nazarat in the learned Court below, 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. 622C of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. However, the aforesaid amount i.e. Rs. 2,37,000/- shall be subject to final outcome of the present case.

(Anjani Kumar Sharan, J)

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