

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27442 of 2023

Arising Out of PS. Case No.-547 Year-2021 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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DAYANAND PATEL S/O LATE HARIHAR SINGH Resident of Village-
Patarhi, P.S.- Sheosagar, District- Rohtas.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. CHAUDHARY RAJENDRA SINGH S/O LATE ASHMUNI SINGH
Resident of Village- Resident of Village- Patarhi, P.S.- Shivsagar, District-
Rohtas.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Mithilesh Kumar Singh, Adv.
For the Opposite Party/s :	Mr.Uday Chand Prasad, APP
	Mr.Sanjay Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 16-01-2024 Heard learned counsel for the petitioner, learned counsel
for the O.P. No.2 and learned APP for the State.

2. Petitioner apprehends his arrest in a case registered for
the offence punishable u/s 406, 420, 504, 506, 120(B) of IPC.

3. As per the prosecution case, petitioner has taken
consideration amount of Rs.9,05,000/- on different dates for
transfer of a piece of land in favour of the O.P. No.2 but he did
not transfer the same.

4. It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. He



has been falsely implicated in this case due to grudge. Petitioner has filed a partition suit bearing Title Suit No.737/2019 (for partition) dated 26.07.2019 against the O.P. No.2 and others as he has $\frac{1}{2}$ of his share in the entire joint family property as the O.P. No.2 being the '*Karta*' of the joint family started to misuse the joint family property. From perusal of the complaint case, it is apparent that the complainant has not produced a single chit of paper regarding the alleged agreement for sale by the petitioner which creates a serious doubt over the entire prosecution story. It is submitted that there is a compromise in the partition suit and both the parties were allotted their share and thereafter the O.P. No.2 taken some lands of petitioner for farming (Malguzari) in lieu of a consideration amount of Rs.12,75,000/- out of which, the O.P. No.2 has paid Rs.9,05,000/- and Rs.3,70,000/- is still due against the O.P. No.2. It is further submitted that there is a civil dispute between the parties and no criminal case is made out against the petitioner. Petitioner has no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the O.P. No.2 opposed the prayer for bail. The counsel for the O.P. No.2 by way of filing a counter-affidavit has submitted that the O.P. No.2 has given loan to the petitioner but the petitioner



has not returned the said land and falsely stated that the petitioner has given some land for agriculture to the O.P. No.2. It is further submitted that the matter was sent to the Mediation Centre but mediation failed and petitioner is not ready to return the said amount.

6. Having regard to the facts and circumstances of the case, since there is civil/money 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.547 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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