

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30614 of 2024

Arising Out of PS. Case No.-173 Year-2023 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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Bijay Kumar Bajaj @Vijay Kumar Bajaj SON OF Late Govind Prasad Bajaj
Resident Of Village- Muhalla Mill Road, Khagaria, Ward No. 17, P.S.-
Khagaria, District- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shiv Kumar Bajaj Son Of Late Govind Prasad Bajaj Resident Of Village-
Muhalla Mill Road, Khagaria, Ward No. 17, P.S.- Khagaria, District-
Khagaria

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar Choudhary, Advocate
For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 31-07-2024 The matter has been put up under the heading “For
Orders (On Office Notes)”.

2. From the office note it appears that the notice of
opposite party no. 2 has been received by his wife. Hence,
opposite party no. 2 has been served.

3. Heard learned counsel for the petitioner and learned
APP for the State.

4. In the present case, the petitioner is apprehending
his arrest in connection with Complaint Case No. 173C of 2023,
filed on 19.04.2023 for the offences under Sections 420, 467,
468, 471, 120B of the Indian Penal Code, wherein processes



have been directed to be issued after cognizance being taken for the offences under Section 420 of the Indian Penal Code.

5. As per case of the complainant, the petitioner and other co-accused person entered into the house of the complainant at about 9.00 P.M. on 10.12.2001 and forced them to prepare some document and put their signature admitting the partition in the family. The petitioner and other co-accused person also threatened the complainant with dispossession from house and the complainant kept mum till the date of filing of the complaint.

6. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The petitioner is full brother of the complainant and the complainant has filed Partition Suit No. 10 of 2018 which is pending before the competent court. The complainant has been pressurizing the petitioner to hand him over the shopping complex, the ancestral property of the petitioner. The deed of partition was made way back in the year 2001 as the family arrangement was arrived at between the parties and the partition agreement was prepared and signed by all the parties. Now the complainant wants to usurp the property belonging to this petitioner. On the basis of the statement of the complainant, the



learned trial court took cognizance against the petitioner and others under Section 402 of the Indian Penal Code without considering the fact that the present complaint case has been filed only to harass the petitioner and in order to unduly pressurizing him. Learned counsel further submits that earlier Complaint Case No. 657 of 2021 with same allegation has been filed by the same complainant and in that case again the time and date of occurrence is from 9.00 P.M. 10.12.2001 to 6.00 P.M. 10.11.2021 which shows vexatious nature of complaint and the falsity of the allegation. Except for the said case lodged against the petitioner in which he is on bail, there is no other case against the petitioner.

7. Learned APP opposes the submission made on behalf of the petitioner.

8. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the case of the complainant in earlier complaint lodged with almost same and similar allegation having same time and date of occurrence and further considering the strong possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail



bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Khagaria/concerned court in connection with Complaint Case No. 173C of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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