

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34122 of 2024

Arising Out of PS. Case No.-1134 Year-2023 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

=====

DHARMENDRA KUMAR SINGH SON OF LATE SHIVDAYAL SINGH
RESIDENT OF VILLAGE - DALELGANJ, P.S. - SANDESH, DISTRICT -
BHOJPUR

... .. Petitioner/s

Versus

1. The State of Bihar
2. GURU NARAYAN SINGH SON OF LATE DHUM RAJ SINGH
RESIDENT OF VILLAGE - RAM NAGAR, CHANDWA, P.S. - ARA
NAWADA, DISTRICT - BHOJPUR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 31-07-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Complaint Case No. 1134 of 2023 for the offence under Sections 420, 120B, 406, 467, 354B, 323 and 341 of the I.P.C. lodged on 24.08.2023 by the complainant, Guru Narayan Singh.

3. As per story narrated by the complainant, Vinay Kumar Singh son of Ramanand Singh is mentally ill and taking advantage of that and using his Aadhaar Card affixing the photo of an impostor 2.5 katha land was registered in the name of this petitioner and Ajay Rana. Upon knowledge, when this petitioner



was approached, he accepted his guilt and was ready to sign on the documents for the cancellation of the registry. Believing his word, appropriate petition was filed but this petitioner thereafter instead of appearing there went to the land and started filling it. Upon protest, allegation is that the petitioner herein hit the stomach and the chest of the complainant as a result whereof he fell down. This petitioner also assaulted Shushila Devi and dragged her by pulling her hair. The further allegation of using abusive language against Manoj Singh and Girja Devi led to the complaint.

4. Learned counsel for the petitioner filed this anticipatory bail application and paragraph-5 in a very cryptic manner the complainant case was incorporated. It would be better that the same is again reproduced to know actually what is the complaint and what has come in the petition.

5. Paragraph-5 of the petition read as follows:-

“5. That the prosecution case in short is that Joint property of complainant with six brother is situated in Mauza Bhelai Khata No. 12, Khesra no. 2095, area 45 Dec. near Zero Mile Kakwa Hospital, Ara out of which by hatching a conspiracy of accused fraud



and bringing the registrar of Ara registry office in Mail he wrongly appointed another person in place of Vinay Kumar Singh and got 2.5 Katha land registered in protest against this, the complainant filed Title Suit and filed a Mutation appeal.”

6. Though learned counsel for the petitioner submitted that it is purely a civil dispute and a Title Suit No. 738 of 2022 is pending, learned APP, Mr. Jitendra Kumar Singh submits that the petitioner tried to hide the basic facts that subsequently they went to the land concerned, tried to fill the land and on protest, the family members of the complainant were assaulted.

7. He submits that when the petitioner had tried to suppress these facts and has not come to this Court with clean hand though the same are on record by way of the complaint as also the learned Session Judge's order, no relief can be granted. The assault allegation is also against the women beside the other family members of the complainant.

8. This Court deprecates the conduct of the learned counsel for the petitioner of trying to hide the basic facts which has come in the complaint i.e. the assault on the family members/complainant. This Court further cautions him not to



repeat such act in the future.

9. So far as the anticipatory bail is concerned, in view
of the aforesaid facts the same is rejected.

(Rajiv Roy, J)

Adnan/-

U		T	
---	--	---	--

