

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39436 of 2024

Arising Out of PS. Case No.-67 Year-2023 Thana- COMPLAINT CASE District- Araria

Vijay Kumar Mehta @ Binay Kumar Mehta Son of Indradev Mehta Resident of Mohalla- Near Primary School, Ward No. 09, Anchraand, Hanuman Nagar, Nawabganj, Police Station- Nawabganj, Dist.- Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Upendra Yadav Son of Late Hiralal Yadav Resident of Village- Anchra, Ward No- 05, P.S- Fulkaha (Forbesganj), Dist- Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Kumar Priyadarshi, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-06-2024 Heard Mr. Rabindra Kumar Priyadarshi, learned counsel for the petitioner and the State.

2. The petitioner is apprehending his arrest in connection with Complaint Case No. 67 of 2023 for the offence under sections 420, 406 of the I.P.C.but cognizance has been taken under section 406, 417 & 427 of the IPC lodged on 12.04.2023 by the complainant, Upendra Yadav.

3. As per the prosecution story, the informant alleged that the petitioner herein wanted to sale 63.5 decimal of land for a consideration amount of Rs. 4,08,000/- only and accepting the same, he sold his buffaloes, cows and made payment of Rs. 3,01,000/- to him. Though he subsequently took possession of



the land and wanted to make payment of rest of the amount so that the matter is taken to its logical conclusion, the accused persons changed their mind and wanted him to remove his belongings from the said land. It is alleged that on 22.12.2022, the accused along with other family members armed variously came and forcefully threw the complainant out of the land, this followed the complaint.

4. Learned counsel for the petitioner submits that the complainant and his family members are local muscle-men and in the habit of filing criminal cases. In this case also, they took signature of the petitioner on a blank paper.

5. The further submission is that agreement to sale is of 09.04.2021 whereas dispute relating to occurrence took place on 22.12.2022 but the complaint was filed weeks later.

6. Learned APP, on the other hand, opposes the prayer for anticipatory bail and submits that a perusal of the complaint would show that for 63.5 decimal of land, the petitioner received Rs. 3,01,000/- out of Rs. 4,08,000/- but later, chose not to abide by the agreement and further on 22.12.2022, armed variously they forced the complainant to leave the land in question.

7. Having gone through the facts of the case and



hearing the parties, this Court finds force in the submission of learned APP, not only the petitioner tried to cheat the complainant, with the help of arms also threw him from the land in question.

8. In that background, the anticipatory bail application stands rejected.

(Rajiv Roy, J)

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