

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36538 of 2024

Arising Out of PS. Case No.-601 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Haridwar Upadhyay son of Late Ram Naresh Paswan R/o - vill- Kumhra
Madhopur, P.S - Jandaha , Dist - Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sohal Ahmad S/o Late aftab Ahmed, mohalla - Dargah Sah Arja, P.S.-
Sultanganj, Districet-Patna. mohalla - Dargah Sah Arja, P.S.- Sultanganj,
District-Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 24-06-2024 Heard learned counsel for the petitioner as well as

learned APP for the State.

2. The petitioner seeks bail in anticipation of his

arrest in a case registered for the offences punishable under

Sections 323, 420, 504/34 of the Indian Penal Code in

connection with Complaint Case No.601 of 2022.

3. The learned counsel for the petitioner submits that

petitioner has antecedent of five cases, but then those cases were

instituted by different purchasers of the society of which

petitioner was the Secretary.

4. It is further submitted that petitioner is on bail in all

the five cases as he was falsely implicated. It is next submitted



that complainant alleges that he had purchased a piece of land from the petitioner as detailed in the complaint, but the land was registered without measurement as the accused had assured that measurement would be done after registration. The land was purchased in the year 2011 for an amount of Rs.1,89,000/-, but after registry the land was not mutated, further the petitioner sold the same land to another person for which a legal notice was sent, on which the accused persons came to his house and assaulted and assaulted and abused.

5. The learned counsel submits that it absolutely does not stand to reason that on what basis the instant complaint case came to be instituted in the year 2022 when the complainant himself alleges that he had purchased the land in the year 2011. It is further submitted that details of the sale deeds as given in the complaint are annexed with the anticipatory bail application and from perusal of the same it would manifest that the boundary of the land sold by the society is different. It is further submitted that the complainant deliberately has not given the details of his sale deed in the complaint case nor the sale deed has been annexed with the complaint petition.

6. The learned APP opposes the anticipatory bail application.



7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Ist Class, Patna City in connection with Complaint Case No.601 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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