

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40020 of 2024

Arising Out of PS. Case No.-1008 Year-2023 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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Jagganath Jha @ Jagarnath Jha Son Of Late Navkant Jha Village- Gamhariya
Ward No. 08 Ps- Sour Bazar, Dist- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dilip Yadav Son Of Late Babuji Yadav Village0- Baijnathpur Ward No. 1
Ps- And Anchal- Sour Bazar, Dist- Saharsa

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Pramod Mishra, Advocate
For the Opposite Party/s :	Mr. Umanath Mishra, A.P.P.
	Mr. Suman Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 28-08-2024 Heard learned counsel for the petitioner, O.P. No. 2
and the State.

2. Petitioner apprehends arrest in a case registered for
the offences punishable under Sections 467, 468 and 420 of the
Indian Penal Code.

3. It is alleged that all the accused persons, including
this petitioner, defrauded complainant to the tune of Rs.
6,75,000/- by selling the land which was already sold by his
father in the year 1984.

4. Learned counsel for the petitioner submits that
from perusal of the complaint petition itself, it is apparent that
complainant after being fully acquainted with the land and



ownership as well as physical possession of the land and after verifying all the aspects that petitioner was absolute owner of the land in question got executed sale deed No. 296 of the land from the petitioner. The land in question has got total area of 40 decimals out of which only 20 decimals of land has been sold by father of petitioner and remaining 20 decimals are in possession of the petitioner out of which only 10 decimals has been executed in favour of the complainant. It is further submitted that instant case is of civil nature and complainant has already filed Title Suit No. 629 of 2023 with regard to the land in question in which petitioner has also appeared and the same is pending for consideration before the court below and by lodging this case, complainant has tried to give criminal colour to a civil dispute.

5. Learned A.P.P. for the State as well as learned counsel for the complainant vehemently opposed the bail application.

6. Considering the facts and circumstances of the case, this anticipatory bail is allowed and it is ordered that let the above named petitioner in the event of his arrest/surrender before the court below within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten



thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Saharsa in connection with Complaint Case No. 1008C of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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