

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39373 of 2024

Arising Out of PS. Case No.-1634 Year-2023 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Neeraj Singh @ Niraj Kumar Son of Shri Devkant Singh Resident of Village -
Madhubani Ghat Road, Near Shiv Hanuman Mandir , P.S.-
Motihari(Muffasil), District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. Shailendra Kumar Chaudhary Son of Late Maheshwar Prasad Chaudhary
Resident of Village - Amalpatti Mina Bazar, P.S.- Motihari Town, District-
East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar
For the Opposite Party/s : Mr. Prem Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 25-06-2024 1. Heard learned counsel for the petitioner, learned

A.P.P. for the State and learned counsel appearing on behalf

of the informant.
2. The petitioner apprehends his arrest in a case

registered for the offences punishable under Sections 379,

504, 417, 468 and 471 of the Indian Penal Code.
3. Learned counsel for the petitioner, at the outset,

submits that the petitioner has antecedent of two cases. It is

next submitted that from bare perusal of the allegation as

alleged in the F.I.R., it would manifest that the dispute is



purely civil to which a criminal colour has been given. It is next submitted that Manoj Chaudhary is own cousin brother of the informant and the petitioner has purchased land from Manoj Chaudhary which has aggrieved the informant which has led to institution of the instant case. It is next submitted that the informant is having dispute relating to property with his own cousin brother who is vendor of the petitioner. It is also submitted that informant has filed Title Suit No. 484 of 2023, 525 of 2023 and 584 of 2023 seeking cancellation of the sale deed executed by Manoj Chaudhary in favour of the petitioner which is pending adjudication in the Court of learned Sub-Judge-I, East Champaran. The learned counsel next submits that, in the event, if the aforesaid title suit by which the informant is seeking cancellation of the sale deed is dismissed then what happens. It is further submitted that, in the event, if the title suit is allowed the informant gets back his land and thereafter the informant is free to pursue the trial of the case.

4. Learned counsel appearing on behalf of the informant opposes the anticipatory bail application and



submits that petitioner is a land mafia and keeps indulging in such nefarious activities but then is not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that the land was sold to the petitioner by Manoj Chaudhary who is cousin brother of the informant and the aforesaid title suits have been filed by the informant seeking cancellation of the sale deed.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. 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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Complaint Case (East Champaran) No. 1634 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. At this stage, the learned counsel for the



informant further submits that Manoj Chadhary had sold the lands which stand mutated in the name of the petitioner on which the learned counsel appearing on behalf of the petitioner and submits that the petitioner had purchased the land after verifying the documents which showed that the land is ancestral and mutation does not create title.

(Satyavrat Verma, J)

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