

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38438 of 2024

Arising Out of PS. Case No.-692 Year-2023 Thana- KATIHAR COMPLAINT CASE
District- Katihar

Prithvi Kharwar @ Perthi Kharwar Son of Late Rudan Kharwar Resident of
Village - Baramchari, P.S.- Rautara, District - Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Tasleem Son of Md. Alauddin Resident of Village - Hatiya Diyara, P.S.-
Katihar Muffasil, District - Katihar.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Bhola Prasad, Advocate
For the State	:	Mr. Pawan Kumar Chaurasia, APP
For Opposite Party No.2	:	Mr. Bal Krishna Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 03-07-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a complaint case registered for the offence punishable under Sections 406 and 420 of the Indian Penal Code.

3. As per prosecution case, it is alleged that despite receiving the consideration money, this petitioner refused to execute the land in favour of the complainant.

4. It is submitted by learned counsel appearing on behalf of the petitioner that from bare perusal of the averments made in the complaint petition it would be apparent that the dispute is of civil nature, for which the complainant has got alternative remedy. The acts alleged against this petitioner do not amount to any criminal liability. Petitioner claims clean



antecedent.

5. Learned A.P.P. for the State and learned counsel for the complainant/Opposite Party No. 2 have vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the aforesaid facts and circumstances, nature of accusation and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioner 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 learned J.M.-1st Class, Katihar, in connection with C.A. No. 692 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

shashank/-

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

