

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39663 of 2024

Arising Out of PS. Case No.-299 Year-2023 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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DASHARATH KUMAR SON OF JAYPAL SAH VILLAGE- BADA
PAREUWA WARD NO. 17, RAXAUL, PS- RAXAUL, DIST- EAST
CHAMPARAN

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. AMAN KUMAR SON OF GANESH SAH @ GANESH PRASAD
VILLAGE- BADA PAREUWA WARD NO. 17, RAXAUL, PS- RAXAUL,
DIST- EAST CHAMPARAN

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Dhurendra Kumar, Advocate
For the State : Mr. Yogendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 15-07-2024 Heard learned counsels for the parties.

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

3. As per prosecution case, father of the complainant is an illiterate man of feeble mind and after alluring him on the pretext to earn more money, this petitioner got a partnership deed registered by father of the complainant of the land appertaining to Khata No. 90, Plot No. 14, situated in Village- Dhangadhwa Tola Pareuwa, P.S and Anchal- Raxaul, before the Sub-Registrar, Registry Officer, Raxaul, and also took Rs.



50,000/- from the father of the complainant at the time of executing the partnership deed. It is further alleged that thereafter, this petitioner took a sum of Rs. 2,00,000/- from the father of the complainant on the pretext of starting construction of building for business on the aforesaid land. Thereafter, when the complainant came to know of the aforesaid facts and along with his family members went to the land to prevent the construction work, this petitioner threatened the complainant and his family members of dire consequences.

4. It is submitted by learned counsel appearing on behalf of the petitioner that on 26.11.2014, the father of the complainant executed a registered lease deed for 99 years for the land in question in favour of this petitioner for business complex and after lapse of 9 years, this false and concocted case has been lodged only with a view to get the land vacated. As a matter of fact, father of the complainant opened a joint bank account with this petitioner and the passbook and cheque-book of the bank account are still in possession of father of the complainant. Moreover, from bare perusal of the complaint petition it is apparent that dispute between the parties is civil in nature and none of the acts allegedly committed by this petitioner give rise to any criminal liability. Petitioner claims



clean antecedents.

5. Learned A.P.P. for the State has opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the aforesaid facts and circumstances, nature of dispute between the parties 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 S.D.J.M., Raxaul at Motihari, East Champaran, in connection with Trial No. 1810 of 2023 arising out of Complaint Case No. C-299 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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