

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44621 of 2024

Arising Out of PS. Case No.-263 Year-2021 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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Sanjiv Kumar Tulsyan @ Sanjiv Tulsyan S/o Prahlad Roy Tulsyan R/o 1,
Mayaram Market, mayaram Road, P.S. and Distt. - Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Devendra Sah S/o Late Parmeshwar Sah R/o vill - Kamathan, P.S. - Alauli,
Distt. - Khagaria

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan
For the Opposite Party/s : Mr. Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 19-08-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State, Mr. Chandra Bhushan Prasad.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 342, 323,
379, 384, 504 and 506 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that
petitioner has antecedent of ten cases. It is next submitted that
all the above mentioned cases arises out of a dispute relating to
right, title and interest of the petitioner in the land belonging to
him, the subject matter of most of the cases relates to
Jamabandi Nos. 176 and 215 and the interpolation made
therein. It is also submitted that the Divisional Commissioner,



Munger has conclusively decided the matter in favour of the petitioner by order dated 30.12.2023 in Jamabandi Cancellation Revision No. 39 of 2019.

4. The learned counsel next submits that the complainant alleges that on 03.04.2021, he had gone to Khagaria market for purchasing articles relating to his business, when he was intercepted by the petitioner and unknown accused persons and petitioner said that complainant has purchased his land from Dr. R.K. Tulsyan illegally and gave orders to snatch his belongings, on which an unknown accused on point of pistol threatened him saying that the entire payment of the land is to be made or he will be shot, further the accused persons snatched the bag in which complainant had kept Rs. 60,000/-, it is further alleged that petitioner demanded Rs. 5 Lakhs by way of extortion failing which consequences would follow.

5. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the complainant for reasons to be submitted hereinafter. It is next submitted that 28 *bighas* of land in the district of Khagaria belongs to Rajkumar Kedia, who had executed a power of Attorney in favour of the father of the petitioner for managing the property, further after the death of his father, Rajkumar



Kedia executed power of attorney in favour of the petitioner, it is next submitted that *Jamabandi* Nos. 176 and 215 were created for the entire 28 *bighas* of land, it is also submitted that *agnates* of petitioner namely Rajkumar Tulsyan, Sharad Tulsyan and Neeraj Tulsyan are trying to usurp the said 28 *bighas* of land, further Rajkumar Tulsyan in 2016 sold various plots pertaining to *Khata* No. 964 as detailed in Para-11 of the anticipatory bail application, for which the petitioner instituted Title Suit No. 82 of 2018 against his *agnates* on account of which several criminal cases came to be instituted against the petitioner. It is next submitted that O.P. No. 2 is an associate of his *agnates* at whose behest the instant case came to be instituted falsely implicating the petitioner without disclosing the details of the plot which the complainant alleges to have purchased from Dr. R.K. Tulsyan. The learned counsel next submits that on account of dispute relating to property, the petitioner has been implicated in the instant case by the complainant at the instance of his relative. It is also submitted that O.P. No. 2 deliberately instituted a complaint case instead of an FIR. It is next submitted that had an FIR been instituted, the police would have investigated the case and correct facts would have come to the fore, but in a complaint case, it is very



easy for the complainant to bring two witnesses on his behalf before the trial court and the learned trial court has no option but to take cognizance based on the evidence which comes during the course of examination of the complainant and his witnesses.

6. Learned A.P.P. for the State, Mr. Chandra Bhushan Prasad, opposes the prayer for anticipatory bail of the petitioner and submits that though it has been submitted that the Divisional Commissioner, Munger decided the case in favour of the petitioner by order dated 30.12.2023, but then the said order is not annexed, on which the learned counsel appearing on behalf of the petitioner submits that inadvertently the order could not be annexed, it is next submitted that the *agnates* of the petitioner have also challenged the said order dated 30.12.2023 before the Bihar Land Tribunal. It is also submitted that petitioner will produce a copy of the order dated 30.12.2023 in Jamabandi Cancellation Revision No. 39 of 2019 before the learned Trial Court at the time of surrender.

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-



(Rupees Ten 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 No. 263(C) of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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