

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50852 of 2023

Arising Out of PS. Case No.-459 Year-2022 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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SHIVSHANKAR SAH S/O LATE JANGALI SAH R/O Village and Post-
Masona, P.S- Sanjhauli, Distt.- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Baban Ram S/O Late Dukhi Ram R/O Village and Post- Masona, P.S-
Sanjhauli, Distt.- Rohtas.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Shankar Choubey, Adv.

For the Opposite Party/s : Mr.Anil Prasad Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

6 06-03-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in
connection with Complaint Case No. 459/2022 dated
17.08.2022 registered for the offences punishable u/ss 420, 323,
and 506 of the Indian Penal Code.

3. As per the prosecution case, the petitioner proposed
to sell his land to the Complainant on consideration amount of
Rs. 2,00,000/- and accordingly, the Complainant transferred Rs.
1,51,000/- in the account of the petitioner as earnest money and
the rest amount of Rs. 49,000/- was to be given at the time of
the registry but after that the petitioner denied to transfer his



said land then the Complainant gave a legal notice to the petitioner. Thereafter, the petitioner along with the others came to the door of the Complainant and threatened and misbehaved with the Complainant and fired with arms and snatched Rs. 2000/- from the pocket of the Complainant.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is a delay in filing the complaint petitioner. The cause of action has been shown to be arisen two years earlier from filing of the complaint petition whereas the present complaint case has been filed in the year 2022 and the complainant has not explained the inordinate delay in filing the complaint petition. The complainant has not produced even a single chit or any paper showing receiving of money by the petitioner on account of selling his land in share rather the said money was received in lieu of the land which was to be sold by his brother to the Complainant. The present case has been filed only to harass the petitioner with intent to pressurize him to sell his remaining share of land to the Complainant which was adjacent to the land sold by his brother and after denial of the same. It is further submitted that the petitioner has no concern with the alleged offence. It is a case of civil dispute. The



petitioner has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioner, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Bikramganj, Rohtas in connection with Complaint Case No. 459/2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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