

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48881 of 2024

Arising Out of PS. Case No.-219 Year-2023 Thana- JHANJHARPUR District- Madhubani

Akhilesh Jha Son of Late Ratish Jha Resident of Vill- Navani Ward No.-6,
P.S.- Araria, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Syed Asgher Najmi, Advocate
For the State	:	Mr. Ram Sumiran Rai, A.P.P.
For the Complainant	:	Mr. Krishna Nand Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 27-08-2024 Heard learned counsel for the petitioner, complainant
and the State.

2. Petitioner apprehends arrest in a case registered for
the offence punishable under Section 406 of the Indian Penal
Code.

3. Allegation against the petitioner is that despite
taking consideration money in advance, this petitioner refused
to execute sale deed in favour of the complainant and did not
return the money.

4. Learned counsel for the petitioner submits that both
parties are own brothers. As a matter of fact, complainant has
given Rs. 4 lacs at the time of marriage of daughter of petitioner
as gift but later on, complainant started pressurizing petitioner to
register his piece of land in favour of the complainant and when



petitioner denied to do so, complainant lodged this false and concocted case against the petitioner. Moreover, the dispute involved in this case is regarding sale and purchase of land which is purely civil in nature. In order to settle the civil dispute, this false case has been lodged. Complainant has got alternative remedy before the court below. Petitioner has got clean antecedent.

5. Learned counsel for the complainant vehemently opposed the bail application.

6. Considering the nature of accusation and dispute, this anticipatory bail is allowed and it is ordered that let the above named petitioner in the event of his arrest/surrender before the court below within a period of six weeks from today, 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 Judicial Magistrate, 1st Class, Jhanjharpur in connection with Complaint Case No. 219 of 2024, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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