

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58487 of 2024

Arising Out of PS. Case No.-2346 Year-2017 Thana- VAISALI COMPLAINT CASE
District- Vaishali

Jawahar Ray, Son of Late Ram Jiwan Ray R/O Vill.- Rambhadra
Harivanshpur, P.S.- Hajipur Town, Dist.- Vaishali At Hajipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parmod Ban Bihari Singh
For the Opposite Party/s : Mr.Chandra Bhushan Prasad- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 04-10-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.
2. The petitioner seeks bail in anticipation of his
arrest in Complaint Case No.2346 of 2017 registered for the
offences punishable under Section 420 of the Indian Penal
Code.
3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and has been
falsely implicated in the instant case by the complainant and the
complainant alleges that petitioner executed a sale deed in
favour of the complainant on 28.12.2013 after receiving the
entire consideration amount of Rs.3 Lacs. Further, on the sale
deed Chandradeo Rai was an identifier and Arvind was a



witness. It is next alleged that complainant came to know that the land which has been executed by the petitioner in his favour, the same land has already been sold by the petitioner earlier through registered sale deed in favour of Mahendra Rai on 26.12.2013, as such, the complainant was dispossessed from the land, hence it is alleged that the petitioner fraudulently misappropriated an amount of Rs.3 Lacs by selling a land, which was already sold earlier to Mahendra Rai.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case. It is also submitted that the dispute is purely civil to which a criminal colour has been given. It is next submitted that the sale deed was executed in the Year 2013 and the complaint case came to be instituted in the Year 2017 i.e. after a delay of four years, which cast an aspersion on the case of the complainant.

5. Learned A.P.P. Sri Chandra Bhushan Prasad vehemently opposes the anticipatory bail and submits that the learned District Court while rejecting the bail application of the petitioner recorded that petitioner had earlier sold the land in favour of Mahendra Rai with the same boundary which was recorded in the sale deed of the complainant. It is next submitted that a land is identified by its boundary and when boundary of



the land sold to Mahendra Rai is same as that of the complainant, the same prima facie demonstrates that petitioner for ulterior reason registered the sale deed with an intention to cheat the complainant. It is also submitted that the said fact has not been disputed in the anticipatory bail application. It is also submitted that it is not that every dispute relating to land is civil in nature, some disputes have contours of criminal case.

6. Considering the submissions made by the learned A.P.P., the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

7. The prayer of the petitioner for anticipatory bail stands rejected accordingly.

(Satyavrat Verma, J)

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