

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50351 of 2023

Arising Out of PS. Case No.-1379 Year-2018 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

SHIVAM CHOUDHARY @ SHIVAM KUMAR CHOUDHARY Son of Late
Vishwanath Choudhary Resident of village - Mahajan Tola, Sultanganj, P.S. -
Sultanganj, Distt. - Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sarita Singh Wife of Premchand Singh Resident of village - Thana Road, Sultanganj, P.S. - Sultangang, Distt. - Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Adv
Mr. Praveen Kumar, Adv
For the Opposite Party/s : Mr. Nawal Kishore Prasad, Adv
Mr. Rajeev Ranjan Singh, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 05-03-2024 1. Heard learned senior counsel for the petitioner, Mr.
Yogesh Chandra Verma, and learned A.P.P. for the State along
with learned counsel for the OP No. 2.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 323, 354, 379, 427, 504 and 34 of the Indian Penal Code.

3. The learned senior counsel for the petitioner submits that a civil dispute has been given a criminal colour. It is next submitted that the OP No. 2 alleges that she is residing in a house which is built on *Khata* No. 105, *Khesra* No. 290. It is next submitted that the said land belongs to one Chandra



Shekhar from whom the petitioner had purchased the land on 11-9-2018 by a registered sale-deed. It is next submitted that the moment, petitioner purchased the land from his rightful owner, the OP No. 2 became apprehensive that she may be ousted, as such, the present false complaint case came to be instituted with an allegation that the petitioner, in connivance with the police force, is trying to demolish the house in which she is staying along with her husband, who is an advocate at Bhagalpur Civil Court. It is further submitted that it is the legal brain which is working behind the allegations as alleged in the complaint, in order to coerce the petitioner into submission so that he does not resort to remedies available in law for evicting the OP No. 2 from the house in question.

4. The learned APP along with the learned counsel for the OP No. 2 opposes the anticipatory bail application of the petitioner, but are not in a position to rebut the submission of the learned Senior counsel that the petitioner has purchased the land in question from Chandra Shekhar through a registered sale deed dated 11-9-2018.

5. The learned Senior counsel, at this stage, further submits that from perusal of the complaint, it would manifest that the complainant does not even remotely suggest that the



land belongs to her.

6. Considering the submissions made by the learned senior 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. 1379 of 2018 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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