

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58285 of 2023

Arising Out of PS. Case No.-1488 Year-2021 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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RADHA THAKUR SON OF BIBHISHAN THAKUR RESIDENT OF
VILLAGE- PAHETEYA, NEAR SHIV TEMPLE PAHETEYA, PS-
HAJIPUR SADAR, DIST- VAISHALI-844117

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prakash Kumar

For the Opposite Party/s : Mr.Md. Mushtaque Alam

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 27-02-2024 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with
Complaint Case No. 1488 of 2021 dated 17.08.2021 registered
under Sections 341, 323, 406, 420 & 504 of the I.P.C.

3. The petitioner sold 24 decimals of land in favour of the
complainant and his two brothers on a consideration amount of
Rs. 300000/-. The complainant paid a total amount of Rs.
1,74,000/- through bank account and cash on different dates to
the petitioner. The complainant requested the petitioner to
execute the land but the petitioner started evading. In the
meanwhile accused petitioner sold the land in question through
registered sale deed to one Asha Sinha. On this information the
complainant went to the house of petitioner to inquire about the



fact regarding non execution of the land in his favour and also demanded his money back upon which the petitioner assured that he would return the money on 05.07.2021 but the money has not been returned.

4. Learned counsel for the petitioner submits that earlier in the year 2018 a piece of land was sold in favour of the complainant and his two brothers. The complainant did not pay his share of the consideration amount whereas his two brothers paid the consideration amount and land was executed in favour of all three brothers. The consideration amount towards the land was still due to be paid by the complainant. Another piece of land was to be sold by the petitioner in favour of the complainant for which the complainant was to pay a sum of Rs. 3 lakh out of which the complainant has paid Rs. 1,40,000/- which was adjusted against the first land and after adjustment the complainant was to pay a sum of Rs. 67000/- which would be evident from note of the complainant at Annexure- 3/1.

5. Regard being had to the submission made by the parties, taking into consideration the fact that there is land transaction between the parties, as such, I am inclined to grant anticipatory bail to the petitioner.

6. Let the petitioner, above named, be released on



anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Judge- IIIrd -cum- ACJM-IInd, Vaishali at Hajipur in connection with Complaint Case No. 1488 of 2021 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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