

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56287 of 2024

Arising Out of PS. Case No.-847 Year-2021 Thana- BUXAR COMPLAINT CASE District-
Buxar

=====

Munna Kumar, S/o- Umesh Singh, R/o Village- B.B. Ganj, P.S- Buxar Town,
Distt.- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chanchala Devi W/o- Bipin Bihari Diwedi R/o- Sohani Patti, P.S- Buxar
Town, Distt.- Buxar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Lalbahadur Singh, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

=====

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 05-09-2024 Heard Mr. Lalbahadur Singh, learned counsel for

the petitioner and Mr. Madhura Nand Jha, learned APP for the

State.

2. The petitioner apprehends his arrest in connection
with Protest-Cum-Complaint Case No. 847 (C) of 2021
registered for the offences punishable under Sections 419, 420,
467, 468, 471 read with Section 34 of the Indian Penal Code.

3. Learned counsel appearing for the petitioner submits
that in fact, Aditya Rashmi Upadhyay, the co-sharer of the
complainant, executed the land in question in favour of the
petitioner by way of a registered Sale Deed after taking the
consideration money and further, the land in question was



admittedly a part of the ancestral property of the complainant and her co-sharer at the time of its alleged transfer and the same had not been partitioned in between the co-sharers before the alleged sale and against the petitioner, there is no allegation of having prepared any false document, so, the alleged offences of 467 and 468 of IPC of which cognizance has been taken, did not attract in this case. Learned counsel further submits that for the cancellation of the alleged Sale Deed, the complainant has filed a case in the office of concerned D.C.L.R, so, there is a civil litigation in respect of the alleged dispute in between both the parties and further, the allegations made by the complainant mainly attracts a civil wrong. It is further submitted that there is no criminal antecedent against the petitioner.

4. Learned APP for the State has opposed the prayer for bail of the petitioner.

5. Considering the above submissions and mainly taking into account the fact that the petitioner is said to be one of the purchasers and the main dispute in between the complainant and her co-sharers is concerned to the transfer of a part of the ancestral land regarding which a civil dispute is also pending in between them and also the fact that against the petitioner there is no criminal antecedent, in my opinion, in the



said circumstances, the petitioner deserves to the privilege of anticipatory bail. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Protest-Cum-Complaint Case No. 847 (C) of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

maynaz/-

U		T	
---	--	---	--

