

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54617 of 2023

Arising Out of PS. Case No.-210 Year-2021 Thana- COMPLAINT CASE District- Supaul

Mishrilal Yadav, Son Of Late Sumrit Lal Yadav Resident Of Village- Jhahura,
Ward No. 1, Ps- Supaul, Dist- Supaul, State- Bihar

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Upendra Yadav, Son Of Late Bhagwat Yadav Resident Of Village- Jhahura,
Ward No. 1, Ps- Supaul, Dist- Supaul, State- Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kuldeep Kumar

For the Opposite Party/s : Mr.Akbar Ali

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

7 04-07-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 323, 341 and 406 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and is aged
about 70 years and has been falsely implicated in the instant
case by the complainant. It is next submitted that from perusal
of the allegation as alleged in the F.I.R., it would manifest that
the dispute is purely civil to which a criminal colour has been
given. It is also submitted that complainant alleges that he



intended to purchase a piece of land from Jamun Mandal, but he gave Rs.2 Lacs to the petitioner for giving it to Jamun Mandal in lieu of the land which the complainant intended to purchase, but then, no documentary evidence was executed with respect to giving Rs.2 Lacs to the petitioner.

4. The learned counsel for the petitioner submits that petitioner is not the owner of the land and there appears no reason why the complainant would have given Rs.2 Lacs to the petitioner for handing it over to the land owner i.e. Jamun Mandal without even seeking a receiving with respect to the amount. It is further submitted that it appears that the instant criminal case has been instituted only with a view to coerce the petitioner into submission, so that the petitioner under threat of arrest parts with the fanciful demand of the complainant. It is also submitted that if complainant is agreed by the act of the petitioner, he has remedy of approaching a Court of competent jurisdiction.

5. Learned A.P.P. opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below



within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Supaul in connection with Complaint Case No.210C of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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