

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68279 of 2024

Arising Out of PS. Case No.-1155 Year-2023 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Rana Dilip Singh Son of Rana Vijay Singh R/O Vill.- Chudiharwa, P.S.-
Ramnagar, District- West Champaran. At Present R/O Dak Bunglow Road
Bettiah, P.S.- Bettiah, Town, Dist.- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vinod Kumar Upadhyay Son of Reetanand Upadhyay R/O Vill.-
Chudiharwa, P.S.- Ramnagar, Dist.- West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Bimlesh Kumar Pandey
For the Opposite Party/s	:	Ms.Nirmala Kumari
		Mr. Prashant Shekhar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-09-2024 1. Heard learned counsel for the petitioner, learned

A.P.P. for the State and learned counsel appearing on behalf of

the OP No. 2.

2. The petitioner apprehends his arrest in a case

registered for the offences punishable under Sections 420 and

120B of the Indian Penal Code.

3. Learned counsel for the petitioner submits that

petitioner is a person with clean antecedent and the informant

alleges that Neeraj and Vinay (Poonam), who reside in Haryana,

sold their land, as detailed in the complaint after receiving the

consideration of Rs. 4 lakhs, in presence of the witnesses,



further Neeraj and Vinay gave possession of the land and assured that the sale deed would be executed later, further despite request, the sale deed was not executed, further on 11-4-2010, Neeraj and Vinay sent an email to Manoj, asking him to inform the complainant to transfer an amount of Rs. 75,000/- each in their account, accordingly the complainant transferred Rs. 75,000/- each in the SBI account of Neeraj and Vinay and thereafter, they sent a notarized general power of attorney dated 20-4-2010, instead of sale deed, next alleges that the land was purchased by petitioner by a sale deed dated 1-6-2022, on which the complainant inquired from Neeraj and Poonam that as to why the land was sold to petitioner when they have received the consideration.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that dispute is clearly civil to which a criminal colour has been given. It is next submitted that even presuming what has been alleged is true without admitting then the allegation against this petitioner is that he purchased the land in dispute from its owner, as such, the petitioner is merely a purchaser. It is also submitted that in the complaint, it has been alleged that the petitioner, being aware of the transaction which



had taken place in between Neeraj, Vinay and complainant, still purchased the land in question, it is next submitted that the same could have been an aspect of investigation, but then a complaint case has been instituted where the learned Magistrate does not have any option but to take cognizance based on the evidence which comes during the course of examination of the complainant and its witnesses. It is also submitted that it appears that purposely a complaint has been instituted instead of an FIR. It is next submitted that had an FIR been instituted, this aspect could have been investigated.

5. Learned APP and learned counsel appearing on behalf of the OP No. 2 opposes the anticipatory bail application but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that the petitioner is a purchaser of the land in question from the land owner. The learned counsel appearing on behalf of the OP No. 2 next submits that the petitioner is threatening the complainant of dire consequences.

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 trial court within a period of six weeks from today, be released on



anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five 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. 1155 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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