

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65621 of 2023

Arising Out of PS. Case No.-8341 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Niraj Kumar @ Neeraj Kumar Son of Baleshwar Prasad Singh Resident of
Village and P.O.-Kulhariya, P.S.-Kulhriya, District-Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shri Parmanandan Rastogi S/o Shri Dayashankar Rastogi Resident of
Village-Digha Ghat, Yaduvanshi Nagar Ashiyana Road (Don Bosco Road),
Patna, P.O.-Digha Ghat, Thana-Digha, District-Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Virendra Kumar Ray
For the Opposite Party/s :	Mr. Satyendra Prasad
	Mr. Sunil Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 27-02-2024 Heard learned counsel for the petitioner, State and
complainant.

2. The petitioner apprehends his arrest in a complaint
case punishable for the offence under Sections 420 & 120B of
the Indian Penal Code.

3. The case of the complainant, in short, is that after
payment of the consideration money, this petitioner executed
sale-deed on 29.03.2012, bearing deed No. 3799 in favour of the
complainant and thereafter, the complainant sold 3 decimal land
in favour of one Jyoti Kumari and 6 decimal land to Rita Devi
and when both of them started construction, they came to know
that the deed of the said plot has been cancelled by the



competent court in Title Partition Suit No. 128/2012 on 31.05.2017 by Sub Judge I, Ara and thus, all the accused persons conspired and cheated the complainant and grabbed his money.

4. Learned counsel for the petitioner submits that dispute is purely of a civil nature, for that, the complainant has got remedy to approach the competent jurisdiction of Civil Court, Ara. He further submits that after three years of passing final judgment in the aforesaid title suit (i.e. T.S. No. 128/12), in which complainant himself was party, this false and fabricated case has been lodged only with a view to humiliate and harass the petitioner. He next submits that the aforesaid land was mutated in the name of complainant but the landlord filed two title suits i.e. Title Suit No. 136 of 2011 and Title Suit No. 128 of 2012. Title Suit No. 136 of 2011 was dismissed for default because there was no any *pairvi* in the said title suit and in Title Suit No. 128 of 2012, notice was issued to the complainant but complainant did not appear. Similarly situated co-accused Tarakh Chaudhary has already been granted anticipatory bail by a coordinate Bench of this Court, vide order dated 30.01.2024 passed in Cr.Misc. No. 64712 of 2023. Petitioner has got clean antecedent.



5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail.

6. Considering the aforesaid facts and circumstances, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Patna in connection with Complaint Case No. 8341 (C) of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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