

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71152 of 2023

Arising Out of PS. Case No.-533 Year-2018 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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AMIT KUMAR S/O SHIV LAL SAHU MOHALLA- BADI SANGAT
THAKURBARI PS. AND DIST. JEHANABAD

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. JAWAHIR MALLAH @ NANHAK MALLAH SON OF LATE
DEVNANDAN MALLAH RESIDENT OF MOHALLA MALAHCHAK,
P.S AND DISTRICT-JEHANABAD.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Paras Nath
For the Opposite Party/s : Mr. Pranav Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 18-03-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 323, 342,
420, 379, 120B, 504 and 506 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and has been falsely
implicated in the present case by the complainant. It is next
submitted that even presuming what has been alleged is true
without admitting then the dispute is purely civil. It is also
submitted that the complainant alleges that she was called to
Jehanabad by Asha and Dilip Kumar where she had gone for



obtaining the decree of the Court with respect to her land along with her children, further Dilip and Asha confined her children and pressurized her to execute sale deed in favour of Gyanti Devi, the mother-in-law of Dilip Kumar. The learned counsel next submits that it is not in dispute that sale deed stands executed by the complainant in favour of Gyanti Devi, on which the petitioner is a witness. It is thus submitted that if complainant is aggrieved by the execution of the sale deed, she has remedy of getting it cancelled in the event if the same was executed under coercion, threat or pressure, but then the same will have to be tested in a duly constituted trial. It is further submitted that as of date, the sale deed stands and until and unless the same is cancelled, it cannot be alleged that the sale deed was executed by exerting threat, coercion or force. It is also submitted, at the cost of repetition, that petitioner who teaches in the coaching institute of Dilip Kumar became a witness on the sale deed as the land was being executed in favour of mother-in-law of Dilip Kumar.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. 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. 25,000/- (Rupees Twenty 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. 533 of 2018 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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