

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71980 of 2024

Arising Out of PS. Case No.-1862 Year-2017 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Surendra Yadav @ Subol Yadav Son of Padari Lal Yadav Resident of Village -
Srirampur, P.S. - Balrampur, District - Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Mushtaque Alam Son of Late Juned Ali Resident of Village - Srirampur,
P.S. - Balrampur, District - Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Md Musowir, Advocate
For the State	:	Mr. Arun Kumar Singh, APP
For the Informant	:	Md. Rahmatullah, Advocate

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 23-10-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State as well as learned counsel for the informant.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Complaint Case No. 1862 of 2017 dated
24.08.2017, filed for the offences punishable under Sections
120(B), 420, 407, 468, 384 of the Indian Penal Code.

3. The complaint has been filed on account of
cancellation of the mutation of some land of the complainant.
As per averment in the complaint, the land was firstly mutated
in his name. Later, on mutation appeal filed by the petitioner in
the Court of D.C.L.R., the mutation was canceled and on
account of cancellation of this mutation, this complaint has been



filed.

4. Ld. counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that no criminal case is made out as per the averment in the petition. He further submits that this is a civil dispute and complainant has remedy to file proper proceeding in the higher Court than D.C.L.R., if he is aggrieved by the order of the Appellate Authority, who in the mutation appeal has canceled the mutation, which was earlier in the name of the complainant.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedent.

7. However, Ld. APP for the State and learned counsel for the informant vehemently oppose the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, particularly civil nature of the case, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within



a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. C.J.M., Katihar in connection with C.A. Case No. 1862 of 2017, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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