

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75043 of 2023

Arising Out of PS. Case No.-2354 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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RAMDEV RAI Son of Late Manak Rai R/o mohalla - Naya Tola, P.S. -
Phulwari Sharif, Distt. - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt. Usha Devi Wife of Shri Kapil Rai R/o Naya Tola, Phulwari Sharif, P.O.
and P.S. Phulwari Sharif, Distt. - Patna, at present residing at Mohalla Dhira
Chak Anisabad, P.s. - Gardanibagh, Distt. - Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arshad Jameel Hashmi
For the Opposite Party/s : Mr.Murli Dhar

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 07-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Complaint Case No. 2354 (c) of 2022 registered under
Sections 323, 406, 420, 504, 506, 120(B) of the Indian Penal
Code lodged on 25.02.2022 by the complainant, Usha Devi.

3. As per the story, the complainant has alleged that
two ‘*kathas*’ of land was purchased in Phulwarisharif, Patna
from the petitioner herein and the possession was also handed
over to the complainant. It was further agreed between the



parties that for 18 months, the petitioner will reside in that flat and thereafter, he will be paying Rs. 8,000/- per month.

4. The allegation is that once the 18 months period lapsed, when the rent was demanded, the complainant was abused. Thus, as per the complaint after receiving Rs. 47,80,500/- with the intention to grab the property, Civil Suits have been preferred, though the complainant have also filed Eviction Suit No. 95/2018.

5. Learned counsel for the petitioner submits that it is entirely a civil matter in which unnecessary criminal aspect has been incorporated. The further submission is that when the cases are pending before the competent civil Court, the present case is nothing but an abuses of the process of law and the petitioner being a IVth grade employee, it may jeopardize his future.

6. Learned counsel for the complainant on the other hand submits that a bare perusal of the complaint would show that after taking the consideration amount of Rs. 47,80,500/- on the ground of continuing in the said flat for 18 months, the petitioner has finally decided to grab the property.

7. Having gone through the facts of the case and the materials on record as well as the submissions put forward by the parties, it would be appropriate that the petitioner seeks bail



after surrendering before the concerned Court.

8. Accordingly, the anticipatory bail application stands rejected.

(Rajiv Roy, J)

Jagdish/-

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