

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81642 of 2024

Arising Out of PS. Case No.-604 Year-2020 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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Atul S/O Late Karu Vishwakarma Resident of- Mahatma Gandhi Road
Maturia Mohalla, P.S -Laheri, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ravi Ranjan S/o Shiv Kumar Parsad R/O Mohalla- Chokhandi,P.s-
Biharsharif,Dist.- Nalanada.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Ranjan Kumar, Advocate
For the State : Mr. Anuj Kumar Shrivastava, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 04-12-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The present petition has been filed on behalf of the
petitioner, apprehending his arrest, in connection with
Complaint Case No. 604(C) of 2020, dated 13.10.2020,
registered for the offences punishable under Sections 323, 341,
307, 504, 120B, 420, 467, 468, 471 and 472 of the IPC.

3. As per the allegation, the complainant and the
petitioner are claiming the same land. The complainant has
stated that he has purchased the land from Yogendra Prasad,
who is Power of Attorney holder of one Sanjay Kumar
Vishwakarma, whereas the petitioner Atul is claiming the same



land on the basis of his purchase from Sanjay Kumar Vishwkarma himself.

4. Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the alleged facts and circumstances constitute at most a dispute of civil nature and Civil Suit is already pending by way of Title Suit No. 250 of 2020 in the Court of Sub Judge-I, Nalanda.

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 petition that the petitioner has no criminal antecedent.

7. However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

8. In view of the aforesaid facts and circumstances, it appears that there is a dispute of civil nature. Hence, **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. J.M. Ist Class, Nalanda at Biharsharif, in connection with Complaint Case No. 604(C) of 2020, 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 criminal antecedents other than the disclosed one, 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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