

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12501 of 2025

Arising Out of PS. Case No.-460 Year-2023 Thana- CHAKIA District- East Champaran

Anand Thakur @ Anand Kumar Thakur, S/o Jagarnath Thakur, Resident of
Village- Shekhi, Chakia, P.S- Chakia, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.

For the Opposite Party/s : Mr. Madan Kumar, APP

For the Informant : Ms. Dipa Divya, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 25-04-2025 Heard learned Advocate for the petitioner, learned
Additional Public Prosecutor for the State and learned Advocate
for the informant.

2. Learned Advocate for the informant seeks
permission to make necessary correction in the counter affidavit
in course of the day.

3. Permission is accorded.

4. The petitioner seeks regular bail, who is in custody
in connection with connection with Chakia P.S. Case No.460 of
2023 registered for the offences punishable under Sections 419,
420, 406, 467, 468, 504, 506 and 120B of the Indian Penal
Code.

5. Allegedly, the informant purchased a piece of land
having Khata No.253, Khesra No.876, Area-5.816 Decimal i.e.



01 Katha 4 $\frac{3}{4}$ dhur from the petitioner and other raiyat holders through registered sale deed No.2219 after payment of consideration amount to the tune of Rs.15,00,000/- (Rupees Fifteen Lakh). Subsequent thereto, when the informant went for mutation of the land, the same came to be rejected on the basis of the report of *Halka Karamchari*, which reveals that over the land, in question, there was a godown of Public Works Department (P.W.D.) and it belongs to the P.W.D. On the aforesaid fact, the informant found that he was cheated at the hands of the petitioner, and as such, the present case has been instituted.

6. Learned Advocate for the petitioner taking this Court through the FIR has contended that the informant himself admitted that before purchase of the land, in question, he himself verified that the land was bounded by a boundary wall and it was a *khatiyani* land, was recorded in the name of the ancestor of the petitioner and others. The report of the *Halka Karamchari* is not based upon any revenue record but it only suggests that a local inspection was conducted wherein the villagers have disclosed the fact that the land belongs to P.W.D. It is further contended that an information under the Right to Information Act has been sought for wherein the Circle Officer,



Chakia has stated that the land in question belongs to Sarju Thakur, who is said to be ancestor of the petitioner. Moreover, even if the allegation is taken to be true, it is out and out civil in nature for which the informant has ample remedy available before the civil court of competent jurisdiction. Taking note of the aforesaid facts, co-accused persons, namely, Uday Shankar Thakur and Binod Kumar Thakur @ Binod Thakur @ Vinod Singh, have been allowed the privilege of anticipatory bail by this Court in Cr. Misc. Nos.62011 of 2024 and 66577 of 2024 vide order dated 13.09.2024, which is marked as Annexure-P/2 to the bail application.

7. On the other hand, learned Advocate for the State and the learned Advocate for the informant have vehemently opposed the bail application. They have contended that the petitioner has suppressed various facts before selling the land in question and thereby duped the informant and cheated more than Rs.15 lacs. Learned Advocate for the informant further submitted that one Surendra Thakur has been granted bail by the learned Sessions Judge, East Champaran, Motihari in Bail Petition No.886 of 2024 after payment of due amount but the petitioner refused to return the same.

8. Having considered the submissions advanced by



the learned Advocate for the respective parties and after going through the allegation, this Court, *prima facie*, finds that the allegation levelled in the FIR, predominantly appears to be civil in nature; moreover other co-accused persons having identical allegation have been accorded the privilege of anticipatory bail and now the petitioner has been incarcerated since 17.08.2024; the investigation of the crime is complete and the charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran at Motihari in connection with Chakia P.S. Case No.460 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be



cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and, in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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