

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14877 of 2025

Arising Out of PS. Case No.-472 Year-2024 Thana- MOTIHARI MUFASIL District- East
Champaran

Sunil Shukla Son of Late Banbari Shukla Resident of Village- Pataura, Tola
Mathia, PS-Muffasil, District- East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra
		Mr. Deepak Kumar
		Mr. Dhandev Kumar
		Mr. Atul Kumar
		Mr. Sumit Kr. Gupta
For the Opposite Party/s :		Mr. Anil Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 28-03-2025 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and the learned counsel appearing on behalf
of the informant.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 318(4),
316(2), 338, 336(3) and 61(2) of the BNS, 2023.
3. Learned counsel appearing on behalf of the
petitioner submits that petitioner has antecedent of one case and
the informant alleges that his son is unmarried and is a person
with dull mind, accordingly, the accused persons, taking
advantage of his mental condition, assured him that they will get
him married and thereafter purchased the land of his share by



two sale deeds.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner has been falsely implicated in the instant case by the informant being purchaser of the land. It is further submitted that the informant, instead of instituting the instant FIR, ought to have moved before a Court of competent civil jurisdiction for getting the sale deeds cancelled, if the same was executed by his son under duress or was not in a mental condition to execute the sale deed. It is further submitted that petitioner has paid the entire consideration. It is also submitted that till date no case has been filed by the informant before a Court of competent civil jurisdiction for getting the sale deeds cancelled. It is next submitted that had any case been instituted by the informant for getting the sale deeds cancelled, the petitioner would have got an opportunity to rebut the case of the informant, but then the instant criminal case has been instituted only to coerce the petitioner into submission when the dispute is purely civil.

5. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant oppose the prayer for anticipatory bail of the petitioner but then the learned counsel appearing on behalf of the informant is not in a position to rebut



the submission of the learned counsel appearing on behalf of the petitioner that the informant instead of instituting the instant criminal case ought to have filed a case seeking cancellation of the sale deeds before a Court of competent civil jurisdiction.

6. Considering the submissions made by the learned counsel for the petitioner, let 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. 10,000/- (Rupees Ten 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 Motihari Mufassil P.S. Case No. 472 of 2024, subject to the conditions as laid down under Section 482 (2) of the BNSS.

(Satyavrat Verma, J)

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