

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39212 of 2024

Arising Out of PS. Case No.-1634 Year-2023 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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MANOJ KUMAR CHAUDHARY S/O LATE SURESHWAR PRASAD R/O
MOHALLA- AMLAPATTI, P.S- MOTIHARI (T), DISTT.- EAST
CHAMPARAN.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. SHAILENDRA KUMAR CHAUDHARY S/O LATE MAHESHWAR
PRASAD CHAUDHARY R/O MOHALLA- AMALPATTI MINA BAZAR,
P.S- MOTIHARI TOWN, DISTT.- EAST CHAMPARAN.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ansul, Sr. Advocate Mr. Anuj Kumar
For the Opposite Party/s	:	Mr. Nand Kishore Prasad
For the Complainant	:	Mr. Chitaranjan Sinha, Sr. Advocate Ms. Madhu Prasun Ms. Renu Kumari

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

7 27-01-2025 Heard learned Senior counsel for the petitioner, Mr.

Ansul, learned A.P.P. for the State and the learned Senior
counsel appearing on behalf of the complainant, Mr. Chitaranjan
Sinha.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 379, 504,
417, 468 and 471 of the Indian Penal Code.

Learned Senior counsel for the petitioner submits that
petitioner has antecedent of one case which came to be
instituted by the same complainant. It is next submitted that one



Mukhram Chaudhary had three sons, Ramgadhan, Shravan and Hazari, Hazari died issueless while Shravan had two sons, Maheshwar and Sureshwar, further Maheshwar had two sons, Shailendra (complainant), Ashok (settled abroad) and Sureshwar also had two sons, Ajit (settled abroad) and Manoj (petitioner herein), it is thus submitted that complainant and the petitioner are cousin brothers and are having dispute relating to property and the complainant alleges that he had gone on his land to supervise some work on 19.06.2023 when Niraj along with 5-6 accused came and said that he has purchased the land from the petitioner, on which the complainant informed that land belongs to him thereafter Niraj along with his goons threatened and misbehaved with him, but the villagers gathered and they left, further on the same day he received a call on his mobile from mobile no. 9431299456 and the caller demanded extortion of Rs. 20 crores and threatened that he would be killed if the amount is not paid, thereafter complainant went to the registry office to inquire when he came to know that petitioner in connivance with Niraj and Parmendra had sold the land of the complainant by registered sale deeds.

Learned Senior counsel for the petitioner submits that from perusal of the allegation as alleged in the complaint, it



would manifest that the dispute is purely civil to which a criminal colour has been given. It is also submitted that the petitioner and the complainant are *agnates*. It is next submitted that if the complainant is aggrieved by the fact that his cousin brother had executed a sale deed with respect to his land in favour of Niraj in that event nothing prevents the complainant from approaching a Court of competent civil jurisdiction for getting the sale deeds cancelled, on which the learned Senior counsel appearing on behalf of the complainant submits that complainant has already moved before the Court of competent civil jurisdiction for getting the sale deed cancelled, on which the learned Senior counsel appearing on behalf of the petitioner submits that in the event if the case filed by the complainant seeking cancellation of sale deed is dismissed in that event what happens, whether it would be prudent for this Court to send the petitioner to jail at this stage. It is next submitted that in the event if the complainant succeeds, the petitioner will face the consequences.

Learned A.P.P. for the State and the learned Senior counsel appearing on behalf of the complainant oppose the prayer for anticipatory bail of the petitioner, but then are not in a position to rebut the submission of the learned Senior counsel



appearing on behalf of the petitioner that already the complainant has moved a Court of competent civil jurisdiction for getting the sale deed executed by the petitioner cancelled and in the event if the complainant loses then what happens and if the complainant succeeds before the Civil Court in that event the petitioner will face the consequences.

Considering the submissions made by the learned Senior counsel for the petitioner, 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. 25,000/- (Rupees Twenty Five 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 Complaint Case No. 1634 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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