

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61418 of 2024

Arising Out of PS. Case No.-19 Year-2024 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Dharmanath kumar Son of Late Dasai ram Resident of village- Ghodpakadi,
P.S.-Inarwa, Distt.-West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rangi Ram Son of Late Jagman Ram Resident of village- Ghodpakadi, P.S.-
Inarwa, Distt.- West Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharad Kumar Verma, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-01-2025 Heard learned counsel for the petitioner, learned
counsel for the O.P. No.2 and learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Complaint Case No. 19 of 2024 registered for the offences
punishable under Section 420 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.

4. Learned counsel for the petitioner submits that the
complainant alleges that he has no son and his married daughter
is leaving at her matrimonial home, further his nephew,
Dharmanath (petitioner) takes his care, next alleges that
Dharamanath in the name of getting him treated took him to



Narkatiaganj Registry Office along with other accused persons and got 10 dhur of land registered, it is also alleged that Dharamanath withdrew an amount of Rs. 5,10,000/- from his bank account and thereafter, on 01.10.2023, accused persons ousted him from his homestead on the ground that he has already sold 10 dhurs of land, accordingly on 03.10.2023, a *panchayati* was convened to resolve the dispute and Dharamanath became ready to vacate the land of the share of the O.P. No. 2 and also assured to mortgage 5 dhurs of land in lieu of Rs. 5,10,000/- but subsequently he did not keep the promise.

5. Learned counsel for the petitioner submits that from perusal of the allegation as alleged in complaint it would manifest that the complainant accepts that his daughter is married and is leaving at her matrimonial home with her husband and the petitioner who is own nephew of the complainant takes his care, it is further submitted that the complainant further alleges that in name of getting the complainant treated the petitioner took him to Registry Office, Narkatiaganj where he was made to execute a sale deed in favor of the petitioner. It is next submitted that the complainant is a retired police personnel and as such it does not appear probable



that the petitioner in the name of treatment would have taken him to Retistry office and would have got the sale deed executed. It is next submitted that since petitioner was taking care of the complainant and the daughter of the complainant was residing at her matrimonial home as such the complainant out of love and affection executed the sale deed in favor of the petitioner but the same was not taken in right spirit by the daughter of the complainant and her husband and thereafter the instant case came to be instituted with a view to coerce the petitioner into submission, so that he does not lay claim over the property of the complainant. It is also submitted that no doubt an allegation has been alleged that Rs. 5,10,000/- was withdrawn from the account of the complainant but then the amount cannot be withdrawn without the consent of the complainant, the amount would have been withdrawn either by cheque or by ATM Card and the same was possible only if the complainant had given it to the petitioner, it is further submitted that petitioner will not abscond rather will co-operate in the investigation to prove his innocence.

6. Learned APP for the State and learned counsel for the O.P. No.2 vehemently opposed the prayer for anticipatory bail of the petitioner but then are not in a position to rebut the



submissions of learned counsel appearing on behalf of the petitioner that complainant is a retired police officer and that it was this petitioner who was taking care of the complainant as his married daughter was not staying with the complainant.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail 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 the learned Judicial Magistrate, 1st Class, Bettiah, West Champaran in connection with Complaint Case No. 19 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. Accordingly, the application stands allowed.

(Satyavrat Verma, J)

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