

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77574 of 2024

Arising Out of PS. Case No.-147 Year-2022 Thana- BARGAINIA District- Sitamarhi

Chulhai Sah @ Chulai Shah @ Chulai Sah Son of Late Jamun Sah Resident of Mohalla - Dumarbana, Ward No.20, P.O. and P.S. - Bairganiya, District - Sitamarhi. Presently Residing at Mohalla - Subhash Pally, New Hasimpura, Near Air Force Station, P.S. - Jaigaon, District - Jalpaiguri, West Bangal

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shyam Dev Son of Late Dev Narayan Prasad Resident of Dumarbana, Ward No.20, P.O. and P.S. - Bairganiya, District - Sitamarhi. Presently Residing at Mohalla - Subhash Resident of Mohalla - Dumarbana, Ward No.6, P.O. and P.S. - Bairganiya, District - Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Dhananjay Kumar Singh, Advocate
For the State	:	Mr.Umeshanand Pandit, APP
For the O.P.No.2	:	Mr. Suresh Prasad Bhakta, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 21-04-2025 Heard learned counsel for the petitioner and learned APP for the State as well as learned counsel for the O.P.No.2.

2. The petitioner apprehends his arrest in connection with Bairganiya P.S. Case No.147 of 2022 registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

3. There is an allegation in the First Information Report that the informant Shyam Dev and his brothers, namely, Rajdev Kumar and Chandan Kumar approached the



petitioner for purchasing the land for which a total consideration was fixed as Rs.1,37,000,51/- as advanced money. The informant alleges that he also paid cash of Rs.53 lacs to the petitioner in presence of the witnesses and a Panchnama was also prepared upon which Rajdev Kumar and Chandan Kumar and the panchses had put their signature. It is further alleged that Chandan Kumar (brother of the informant) refused to get the land executed as he was unable to get loan from the bank and so he requested to return advance money of Rs.75 lacs and the informant gave Rs. 77 lacs to his brother Chandan Kumar on different dates. Further, it has been alleged that on 04.03.2022, the petitioner sold his land in favour of the informant's brother Chandan Kumar, Rajdev Kumar and others and executed the sale deed in their favour with an intention to cheat the informant.

4. Learned counsel for the petitioner, at the outset, submits that it is a case arising out of a purely civil dispute and that too actually not between the informant and the accused persons but rather it appears to be a dispute between the informant and his own brothers.



5. It has further been submitted that a perusal of the FIR would itself go to show that the petitioner is the vendor and he has already registered the land in question in favour of the brother of the informant which would be evident from the sale deed which is annexed as Annexure-3 to the present application.

6. Learned counsel appearing for the opposite party no.2, however, opposes the prayer for anticipatory bail by stating that he had also paid an amount of Rs.53 lacs to the petitioner and Rs.77 lacs to his own brother Chandan Kumar and despite the same no land has been registered in his favour. In response to the same, it has been submitted that there is no agreement to sale with the informant rather the sale was with the brother of the informant and the same has already been done and the informant is a witness to the sale deed.

7. Considering the abovementioned facts and circumstances of the case and also considering that the petitioner has no criminal antecedent, I am inclined to extend the privilege of anticipatory bail to the petitioner. Let the above named petitioner, be released on bail, in the event



of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Sitamarhi in connection with Bairganiya P.S. Case No.147 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. and subject to the further condition that the petitioner shall cooperate in the investigation/trial.

(Soni Shrivastava, J)

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