

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22101 of 2015

Arising Out of PS.Case No. -532 Year- 2014 Thana -BAHERA District- DARBHANGA

1. Git Govind Pathak S/o Late Guna Nand Pathak resident of Village-
Jariso, P.S.- Bahera, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sushil Kumar Jha

For the Opposite Party/s : Mr. Ram Shankar Das(Spl.P.P.)

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 30-07-2015 Heard learned counsel for the petitioner, learned counsel
for the State.

In this application, the petitioner apprehends his arrest
for the offences punishable under Sections 406, 420, 504 and 323
of the Indian Penal Code and Section 3(i)(x) of SC/ST Act.

Allegedly, the informant gave Rs. 75,000/- for
purchasing the land of 5 Katha in the year 2006 to the petitioner
with assurance that rest amount of Rs. 65,000/- shall be paid after
execution of the sale deed but the petitioner neither executed the
sale deed nor returned the said amount of Rs. 75,000/- and on
demand the petitioner abused uttering caste name and refused to
execute the sale deed and when the wife of informant came to
rescue, she was also assaulted and abused by her caste name.

Submission is of false implication and due to dispute going on between the parties, the petitioner has been implicated with concocted and false allegation. The informant is claiming some land of the petitioner as his homestead land. Proceedings under Sections 144 and also under Section 107 of the Code of Criminal Procedure were pending between the parties. No injury has been caused either to the informant or to his wife and further the occurrence has not taken place at a public place or in public view. No offence under Section 3(i)(x) of SC/ST Act is made out to which the learned A.P.P. opposes.

In the facts and circumstances stated above, considering that it is a fit case for regular bail, the petitioner is directed to surrender in the court of learned A.C.J.M., Benipur (Darbhanga) in connection with Bahera P.S. Case No. 532 of 2014 and seek regular bail and then the petitioner shall be enlarged on bail on execution of bail bond to the satisfaction of the learned court below itself and accordingly this criminal miscellaneous is hereby disposed off.

(Jitendra Mohan Sharma, J)

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