

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48692 of 2014

Arising Out of PS.Case No. -87 Year- 2013 Thana -JAHANABAD District- JEHANABAD

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1. Sanjay Kumar S/o Late Baikunth Yadav R/o village - Tenni Bigha, P.S.
Jehanabad, District - Jehanabad

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Binod Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 26-03-2015

Heard learned counsel for the petitioner as well as

learned APP for the State assisted by learned counsel for the
informant.

Admittedly, the informant had purchased a land from
the petitioner on 28.12.2006. From the written report itself, it is
evident that he had not gone over the land from 28.12.2006 to
December, 2013. When he came over the land in the month of
January, then he came to know that Sanjay Kumar Singh,
petitioner and his brother, Jitendra Kumar had already sold away
the aforesaid land since before execution of sale-deed in his
favour.

It has been submitted on behalf of petitioner that as
required under the T.P. Act, there happens to be some sort of
obligation on the seller and buyer. Furthermore, it has been

submitted that the nature of dispute, as is coming out from plain reading of the written report, is of civil cause and for that, instead of going Civil Courts having his plea, barred by law of limitation, filed this case, apart from the fact that there happens to be absence of dishonest intention at the time of negotiation carried by the petitioner.

On the other hand, learned APP assisted by learned counsel for the informant, vehemently opposed the prayer for bail and submitted that the petitioner along with his brother on account of execution of sale-deed at an earlier occasion was well aware with the fact that they had already sold away the aforesaid land in favour of somebody else.

Taking into account the nature of allegation coupled with the disclosure coming out from para-33 of the case diary, , petitioner, Sanjay Kumar is directed to be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Sub-divisional Judicial Magistrate, Jehanabad in connection with Jehanabad PS. Case No. 87/2013.

(Aditya Kumar Trivedi, J)

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