

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15675 of 2015

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Dineshwar Giri Son of Daroga Giri R/o Village Oriadih, P.s Ramgarh,
Distt- Kaimur(Bhabhua)

.... Petitioner/s

Versus

1. The State of Bihar
2. Lalpari Devi W/o Gauri Shankar Giri R/o Village Oriadih, P.s Ramgarh,
Distt- Kaimur(Bhabhua)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahesh Prasad, Adv.
For the Opposite Party/s : Mr. Shakir Ahmad(APP)
For the Opp. Party No.2 : Mr. Kumar Sunil, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

5 14-08-2015 Heard learned counsel for the parties as with regard to

the prayer of the petitioner for modification of an order of this

Court dated 22.04.2014 in Cr. Misc. No. 4579/2014.

It however appears to this Court that the petitioner is
playing the game of ducks and drakes. He is on the one hand
enjoying the privilege of anticipatory bail granted to him by an
order of this Court dated 22.4.2014 and on the other hand he is
making the opposite party no.2 to run around him for execution of
the sale deed. It is the opposite party no.2 who was duped by the
petitioner, inasmuch as, he, having conveyed a sale deed of the
same plot no. 529 in favour of the Ramesh Singh Yadav on
4.5.2011 had somehow sought to transfer the same land to the



opposite party no.2 on 7.7.2011. The opposite party no.2, being duped, had filed a complaint case being Complaint Case No. 3 of 2013. When the petitioner was refused anticipatory bail by the court below, he came to this Court in Cr. Misc. No. 4579 of 2014 with an undertaking that he would transfer another piece of suitable land to the opposite party no.2. That however has not been done till date though Mr. Mahesh Prasad, learned counsel for the petitioner, wants this Court to believe that the petitioner had intention to transfer such land on the ground of permission being taken by him on 25.6.2014 for plot no. 442, area 37 ½ decimal & khata no.6.

Mr. Prasad, in this regard, explains that the sale deed has not been executed in favour of the opposite party no.2 by the petitioner because he wants that the opposite party no.2 should also transfer a land given to her by sale deed dated 7.7.2011 after obtaining permission from the consolidation authority.

This Court would find such approach of the petitioner to be wholly unreasonable. The opposite party no.2 was given bag of wind, inasmuch as, the petitioner had sold the land to the opposite party no.2 which was already sold earlier by him to Ramesh Singh Yadav. In that view of the matter, it now becomes clear that the petitioner is unnecessarily trying to delay the

undertaking given to this Court on 22.4.2014.

That being so, the prayer for modification of the order dated 22.4.2014 is rejected and it is held that if the petitioner does not execute a sale deed within a period of two weeks from today, the anticipatory bail granted in the order dated 22.4.2014 shall remain cancelled.

It, however, goes without saying that once the petitioner shall execute a valid sale deed in favour of the opposite party no.2 as per undertaking given to this Court in the order dated 22.4.2014, there would be no question of execution of any sale deed by opposite party no.2 in favour of the petitioner as with regard to the piece of land sold by petitioner to Ramesh Singh Yadav inasmuch as such a sale deed by opposite party no. 2 in favour of the petitioner will have no validity in the eye of law.

With the aforesaid observations and direction this application is disposed of.

(Mihir Kumar Jha, J)

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