

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44141 of 2014

Arising Out of PS.Case No. -37 Year- 2014 Thana -SC/ST District- JEHANABAD
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Nanhakdeo Mistri
..... Petitioner/s
Versus
The State of Bihar
..... Opposite Party/s
=====

Appearance :
For the Petitioner/s : Mr. Dharendra Kumar Sinha-Advocate
For the Opposite Party/s : Mr. Ambika Bhagat (A.P.P.)
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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

05 23-06-2015 Heard learned counsel for the petitioner, learned
counsel for the informant as well as learned Additional Public
Prosecutor.

Informant, Nilam Kumari filed written report against
the petitioner and others alleging inter alia that he had sold away
plot no.94 area one kattha on a consideration amount of
Rs.10,16,000/- on 25.04.2014 which, son of petitioner namely
Dharmendra Mistri had already sold away. On account thereof,
informant had alleged that there happens to be deception at the end
of the petitioner and on account thereof, she was cheated an
amount appertaining to Rs.10,16,000/-.

By way of supplementary affidavit, plaint of Title
Suit no.200 of 2014 has been filed on behalf of petitioner
(Annexure-2) wherefrom it is apparent that on the basis of the
aforesaid sale deed, informant has asked for 1/3rd share in the suit

property and that being so, she admits the genuineness of the aforesaid sale deed.

At the present stage, learned counsel for the informant submitted that police had failed to register a case at an earlier occasion. It has also been submitted that informant is ready to withdraw the Title Suit and in lieu thereof, petitioner be directed to pay the consideration amount.

After filing of the title suit, the scenario has changed whereunder admissibility as well as genuineness of the document has been admitted by the informant herself and in the aforesaid background, no case under S.C./S.T. (Prevention of Atrocities) Act is made out.

Accordingly, in event of arrest/ surrender within four weeks from the date of receipt/ production of the petitioner, **Nanhakdeo Mistri** is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jehanabad in connection with Jehanabad S.C./S.T. P. S. Case no.37 of 2014, subject to condition so enumerated under Section 438(2) Cr.P.C.

(Aditya Kumar Trivedi, J)

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