

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45692 of 2015

Arising Out of PS.Case No. -369 Year- 2014 Thana -COMPLAINT CASE District- JAMUI

1. Brajendra Singh @ Brajendra Kumar Singh Son of Sitaram Singh
Resident of Mohalla - Bihari, P.S. & District - Jamui

.... Petitioner/s

Versus

1. The State of Bihar
2. Gagan Singh S/o Late Rabindra Prasad Singh Resident of Mohalla -
Bihari, P.S. & District - Jamui

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar

For the Opposite Party/s : Mr. Bhanu Pratap Singh (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 14-10-2015 Heard Mr. Satya Prakash Parasar, learned counsel for
the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Complaint Case No. 369 (C)/2014 registered for the offences
punishable under Sections 420, 468 and 504 of the Indian Penal
Code.

The prosecution case is that the complainant Gagan
Singh filed a complaint case No. 369 (C)/2014 stating therein
that Khata No. 141, Plot No. 229 of Mauza Bihari is ancestral land
of complainant and he has been coming in cultivating possession
over the same. It is further stated that in the month of December,
2013, the complainant came to know that co-accused Sitaram



Singh showing land as his own, cunningly and illegally transferred the same land to his son Brajendra Singh through registered sale deed under a conspiracy. On complain being made, accused Sitaram Singh and Brajendra Singh, under a conspiracy with co-accused Dharmendra, Dablu, Sitaram Singh, Son of Jayanti Singh, who are relatives and well wishers of accused sold above said land to the accused Amar Jyoti and Nandan Kumar Thakur for Rs.12 lacs, but in sale Deed, consideration money was shown Rs. 6,11,000/- The purchaser Amar Jyoti and Nandan Kumar Thakur live in rented house at Kalyanpur, Jamui. It is further stated that on 14.02.2014 accused Amar Jyoti and Nandan Kumar Thakur with the help of other accused persons on the basis of forged kewala forcibly started fencing over the said land. On protest by complainant and witnesses, they abused and threatened.

It is stated by complainant that accused persons had no right to sell the land and purchaser had full knowledge that seller had no title. All the accused persons got executed forged deed and illegally grabbed the huge amount of the complainant. It is further stated that accused Sitaram and Brajendra Singh are also involved in several cases. Earlier also, they illegally grabbed the land of villagers and sold land and they have connection with ante-social elements. So, villagers in fear do not dare to protest against them.

It has been submitted by the learned counsel for the petitioner that the matter relates to civil dispute and both are agnates having common ancestor, Nathu Singh. It has further been submitted by the learned counsel for the petitioner that cause of action arose on 20.03.2009 and this Complaint case has been filed after a delay of five years i.e. on 06.03.2014. It has further been submitted that only general and omnibus allegation has been levelled against the petitioner.

Be that as it may, in case of arrest or surrender within a period of four weeks from today before the Court below, the above named petitioner will be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in connection with Complaint Case No. 369 (C) /2014, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Nilu Agrawal, J)

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