

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23224 of 2015

Arising Out of PS.Case No. -40 Year- 2010 Thana -GAYA COMPLAINT CASE District- GAYA

1. Satya Narayan Mistri @ Satya Narayn Mistri Son of Chandradeep Mistry
Resident of village - Kamal Khap, P.S. Amas, District - Gaya

.... Petitioner/s

Versus

1. The State of Bihar

2. Hari Charan Mistry Son of Sukul Mistry Resident of village - Kamal
Khap, Post - Sheo Kala, P.S. Amas, District - Gaya

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh

For the Opposite Party/s : Mr. Renuka Ratnakar (App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

3 22-09-2015

Heard the learned counsel for the petitioner, the

learned counsel for the complainant and the learned Additional

Public Prosecutor.

The petitioner seeks bail in a case under Section 420,
467, 468 and 120B of the Indian Penal Code.

The petitioner is the nephew of the complainant. The
complainant alleged that he got a sale deed with the help of his
sister with regard to 74 decimals of land in the name of his father,
Sukal Mistri. Sukal Mistri died in the year 1995 but it is alleged
that the petitioner and others came with a case that Sukal Mistri
had executed the sale deed in favour of two sons of Chandradeep
Mistri.

It is submitted that petitioner was granted

anticipatory bail but later on after enquiry it was found that Sukal Mistri died in the year 1995. The anticipatory bail granted to the petitioner was cancelled. The petitioner surrendered in the court on 12.01.2015 and since then he is in custody.

Learned counsel for the complainant, however, opposed the prayer for bail and submitted that the petitioner played fraud with the complainant as well as the court but on perusal of the records, it appears that the dispute is of civil nature. Till date the complainant has not filed any suit and if the complainant is aggrieved with the sale deed he may file a suit for setting aside the same on the ground of fraud.

Considering the facts aforesaid and the nature of allegation made against the petitioner and the fact that petitioner is in jail since 12.01.2015, the above named petitioner is directed to be enlarged 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 Sub-divisional Judicial Magistrate, Sherghati (Gaya) in complaint Case No. 40/2010.

(Prabhat Kumar Jha, J)

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