

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44625 of 2014

Arising Out of PS.Case No. -819 Year- 2013 Thana -COMPLAINT CASE District- JAMUI

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Md. Israfil son of Late Bihari Mian resident of village - Nimarang, P.S. &
Distt. - Jamui

.... Petitioner/s

Versus

1. The State of Bihar
2. Md. Manir Ansari, S/o Md. Anul Ansari, Resident of village – Nima
Rang, P.S. and District – Jamui.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan Singh

For the Opposite Party/s : Mr. Veena Rani Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

06/ 03-08-2015

Heard learned counsels for the petitioner

and the State.

The petitioner is apprehending his arrest in
a complaint case filed with accusation under Sections 467, 468,
471, 120B/34 of the Indian Penal Code.

The prosecution case is that the
complainant purchased land from the petitioner vide registered
sale deed dated 02.12.2011 but the name of the petitioner was
not recorded in the Khatiyana and hence, the present complaint
was filed on 18.06.2013.

It is submitted by learned counsel for the
petitioner that the petitioner purchased the land from one

Sukhdeo Mandal vide registered sale deed dated 05.12.1984 and subsequently the same was mutated in his name and he was paying rent receipt. Since in the district of Jamui after 1908 there has been no survey, hence, in the Khatian the name of the petitioner is not recorded.

Though, earlier the matter was adjourned for exploring the possibilities of return of amount subject to the re-conveyance, but now the learned counsel for the petitioner submits that the petitioner is not in a position to return the amount.

It is submitted by learned counsel for the complainant that in the Khatian the name of the petitioner is not recorded, though, it is not in dispute that the petitioner purchased the land from one Sukhdeo Mandal on 05.12.1984 and he paid the rent till the date of transfer of the land. Moreover, the sale deed executed in favour of the petitioner has not been challenged till date.

A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the totality of the facts and circumstances of the matter, let the above named petitioner be released on anticipatory bail in the event of his arrest or

surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Jamui in connection with Complaint Case No. 819C of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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