

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46309 of 2015

Arising Out of PS.Case No. -76 Year- 2015 Thana -COMPLAINT CASE District- JAMUI

Abdul Mazid, Son of Late Sahtaha, Resident of Village- Kalyanpur Tola Maharganj, P.S. & District Jamui.

.... Petitioner

Versus

- 1. The State of Bihar.
- 2. Shambhu Nath Singh, S/o Late Amarnath Singh, Resident of Village- Krishnapatti, P.S. & District Jamui.

.... Opposite Parties

CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

3 30-11-2015 Heard learned counsel for the petitioner and learned A.P.P. for the State as also learned counsel for the complainant.

The petitioner prays for anticipatory bail in a case registered under Sections 420, 468, 323, 427 and 504 of the Indian Penal Code.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated by the complainant because he has not sold a portion of the land belonging to the complainant to one Anita Devi by sale deed, rather he has sold the land which has been obtained on gift from his uncle which was in the same Khesra and Khatian. It is further submitted that the sale deed has been executed on the order of the Court on the basis of title deed between the complainant and the petitioner. Hence, so



far as his title and possession over the piece of land is concerned, the same cannot be affected by any other sale deed executed by the petitioner. It is a case of wrong description of boundary which led to some problem with the petitioner from the buyer of the subsequent sale deed. It is also submitted that in any case, the grievance on account of sale deed could be of the subsequent buyer on the basis of the sale deed rather than the complainant.

Learned counsel for the complainant, on the other hand, submits that the subsequent sale deed of Anita Devi mentions the land as being the land purchased by the petitioner whereas he has raised the issue of deed gift.

Learned counsel for the petitioner replies to this stating that even if there is a wrong description it does not form part of the land which had been received by the petitioner in partition and thus on that count also the complainant cannot have any grievance.

Learned counsel for the lastly submits that the petitioner was involved in a complaint case No. 672C of 2005 under Sections 467, 468, 471, 120B and 420 of the Indian Penal Code and, therefore, he has wrongly stated in the bail application that he has no criminal antecedent. It is, however, admitted in the counter affidavit itself that the petitioner was acquitted in the said case and thus it cannot be said that criminal antecedent would continue to

adhere to the petitioner even after the said acquittal.

On a consideration of the facts and circumstances of the case, it is directed that the petitioner Abdul Mazid in the event of his arrest/surrender in the court below within a period of four weeks from today shall be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each in connection with Complaint Case No. 76(C) of 2015 to the satisfaction of the Chief Judicial Magistrate, Jamui, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ramesh Kumar Datta, J)

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