

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3855 of 2016

Arising Out of PS.Case No. -121 Year- 2015 Thana -RUPASPUR District- PATNA

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1. Amit Kumar Singh Son of Ranvijay Singh resident of House No. 155 -D,
Patliputra colony, Police Station ,- Patliputra colony, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Puspa Devi W/O Late Ganga Dayal Das, r/o Priyadarshi Nagar, Near
D.P.S. School, Police Station- Rupaspur, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj

For the Opposite Party/s : Mr. Ram Shankar Das(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

6 18-04-2016 Heard the learned counsel for the petitioner, the

learned Special P.P for the State as also the learned counsel for the

Informant.

The petitioner seeks bail in a case for the offences
punishable under sections 380, 395, 420, 406, 452, 467, 468, 471
and 120 (B)/34 of the I.P.C and section 3 (i) (x) of the SC/ST
(Prevention of Atrocities) Act.

Allegedly, the petitioner and Priyambada Kumari
executed a registered sale deed on 24.01.2013 in favour of Shubha
Bala Pandey wife of Om Prakash Pandey measuring 1 katha 10
dhurs and another plot measuring an area of 6 dhurs and on the
basis of that illegal document Om Prakash Pandey and Shubha

Bala Pandey came in illegal possession after committing the house trespass, theft and removing the household articles and house breaking.

Submission is of false implication and that the petitioner is the vendor of the land in question, the dispute appears purely of civil nature, investigation has been completed, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioner is suffering in custody since 13.11.2015 and now by remaining in custody he has been sufficiently penalized, no fruitful purpose is going to be served by detaining him in the prison and the remedy lies in the Civil Court.

The learned Special P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that the petitioner in collusion and conspiracy with other co-accused committed criminal trespass, execution of the sale deed is illegal and without any right, title and possession, during investigation the allegations have been found true and as such the petitioner does not deserve bail.

In the facts and circumstances as stated above, considering the nature of dispute and further considering detention of the petitioner, now he 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 A.C.J.M. Danapur, District- Patna in Rupaspur P.S. Case No. 121 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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