

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53741 of 2015

Arising Out of PS.Case No. -263 Year- 2015 Thana -BARHARA District- BHOJPUR

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Parmatma Singh

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akash Chaturvedi

For the Opposite Party/s : Mr. Smt. Meena Singh (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 12-01-2016

Heard learned Counsel for the petitioner and

learned counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with Barhara P.S. Case No. 263 of 2015 for offences alleged under Sections 419, 420, 467, 468 of the Indian Penal Code.

Learned counsel for the petitioner submits that there is no element of fraud involved in this case as the lands which were sold by the petitioner were the lands which have devolved on him from the share of Asloka Kuer. It is submitted that since Asloka Kuer had no child/issue, her share had devolved between the petitioner and opposite party in half half share.

Learned senior counsel appearing on behalf of the opposite party no.2, however, submits that the petitioner has sold the lands which were in excess of his share and thus causing

serious prejudice to his client. He further submits that this is an act of fraud which invites criminal liability .

However, learned counsel appearing on behalf of the petitioner submits that unless and until the rights of the parties are identified, which can be done purely in an appropriate Civil proceeding, no criminal liability can be saddled on the petitioner's shoulder.

Considering the nature of dispute involved and that the issues involved are prima facie of civil nature, let the petitioner above named, in the event of his arrest or surrender before the court below within a period of 4 weeks from the date of receipt/production of copy of this order, be released on bail on furnishing bond of Rs. 10,000 (Rs. Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Barhara P.S. Case No. 263 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjana Mishra, J)

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