

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10898 of 2016

Arising out of PS.Case No. -1111 Year- 2015 Thana -SASARAM NAGAR District- SASARAM
(ROHTAS)

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Birendra Singh @ Birendra Kumar Singh

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Tribhuwan Narayan, Advocate.

For the Opposite Party : Mr. Rajiv Nayan(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 25-04-2016 Heard learned counsels for the petitioner, informant and

learned counsel for the State.

The petitioner is apprehending his arrest in connection
with Sasaram (Model) P.S. Case No. 1111 of 2015, G.R. No. 2267
of 2015 for the offences instituted under Sections 420, 406, 467,
468, 471 and 120(B) of the IPC.

The prosecution story, in brief, is that the petitioner is
brother-in-law (Bahnoi) of co-accused Dinesh Kumar Singh.
Dinesh Kumar Singh has contacted the complainant to sale One
Acres 51 Decimals land for consideration amount of Rs.
30,20,000/- because petitioner was need of money for his
daughter's marriage and on 12.02.2014 the complainant alongwith
the accused persons came at Civil Court, Sasaram, and deed of
Mahadanama was prepared on which Dinesh Kumar Singh has



written execution and also put his signature by taking Rs. 10,00,000/- as advance money in which petitioner has obtained Rs. 6,00,000/- for his daughter's marriage and as per condition of *Mahadanama* it was agreed that the sale deed will be executed till 10.05.2015 by taking rest consideration amount of Rs. 20,20,000/- but in the month of December, 2014 the complainant came to know that a Title Suit No. 120/2008 was pending in which Dinesh Kumar Singh is a party and made his pairvi on the date. So, the complainant has asked for his advanced money with interest but petitioner and co-accused Dinesh Kumar Singh gave him false assurance for returning his money. So, on 12.03.2015 the complainant has sent pleader notice but they have not replied and on 04.05.2015 they came at the house of the complainant and began to threaten him. It is further alleged that the petitioner and co-accused Dinesh Kumar Singh have intentionally cheated with the complainant.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner has been made accused in the present case due to mistake of fact. From perusal of Annexure-2 which is agreement for sale, it appears that the agreement was entered between the informant and co-accused Dinesh Kumar Singh. The matter relates to the civil dispute.

On behalf of the learned counsels for the informant and the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Sasaram (Model) P.S. Case No. 1111/2015, G.R. No. 2267 of 2015 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Rohtas at Sasaram, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)