

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16727 of 2016

Arising Out of PS.Case No. -247 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

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Dilip Mahto Son of late Maheshwar Mahto Resident of Village- Sikarpur,
PS Sonepur, PO Sonepur, District Saran (Chapra), at Present residing in
village- Bari Pahari , PS Agamkuan, PO Bari Pahari, (Guljarbagh) Patna.

.... Petitioner

Versus

1. The State of Bihar.
2. Gajala Praveen daughter of Quamuddin Khan, Wife of Md. Zaved
resident of Mohalla- Pathar Ki Masjid Dargah Road, Narai, PS Sultanganj,
District Patna

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Rajendra Narayan, Sr. Advocate.
Mr. Rajeev Ranjan Sinha, Advocate.

For the Opposite Parties : Mr. Yogendra Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

7 06-09-2016 Heard both sides.

The petitioner apprehends his arrest in Complaint Case
No. 247 (C) of 2014 registered for the offences punishable under
Sections 323, 379, 406, 420 and 504 of the Indian Penal Code.

The complainant alleged that the petitioner entered into
an agreement to give 79 decimals of land and for that the
petitioner received Rs. 55,61,000/-. It is alleged that the petitioner
executed deed of power of attorney in favour of the complainant
but thereafter the petitioner never handed over possession of the
land and nor gave documents of partition among the co-sharers.

Learned counsel for the petitioner submits that the

petitioner executed power of attorney deed on 07.06.2010 and thereafter the complainant executed eight sale deeds with regard to 75 decimals of the land in favour of different persons including her husband out of 79 decimals of land which was agreed to be given to the complainant. The recitals of all the sale deeds showed that the complainant was in possession of the aforesaid lands and she handed over the possession to her vendees, therefore, the allegation that the petitioner did not handover the possession to the complainant appears to be false.

Considering the facts aforesaid, the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged 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 Sub-Divisional Judicial Magistrate, Patna City, Patna in Complaint Case No. 247 (C) of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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