

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47545 of 2015

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Chandra Bodh Kumar Singh Son of Late Rash Bihari Singh R/o vill. -
Godai Phul Kahan, P.S. Kanti, P.O. Sigar, Distt. - Muzaffarpur, Pin Code
843109

.... Petitioner/s

Versus

1. The State of Bihar
2. Sanjay Kumar Singh Son of Late Dev Narayan Singh R/o Mohalla - 29,
J.N. Tiwari Road, Dumdum Cantonment, P.O. Dumdum, P.S. Dumdum,
Kolkata (West Bengal)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Kirti Singh
For the Informant : Mr. Suraj Narayan Pd Sinha, Sr. Advocate
For the State : Mr. M.Haque(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 30-03-2016 Heard learned counsel for the petitioner and learned

Senior Counsel appearing on behalf of Opposite Party No. 2 as
well as learned Additional Public Prosecutor for the State.

The petitioner seeks modification of order dated
07.09.2015 whereby while submitting, the petitioner of Cr. Misc.
No. 52090 of 2014, the privilege of pre-arrest bail, this Court had
directed that in case the petitioner returns back rupees five lacs
being the consideration amount of the sale-deeds executed by the
petitioner and which had been marked as Annexures 'B' and 'C'
to the counter affidavit filed by the present modification petitioner,
the aforementioned sale-deeds would be returned by the
complainant.

The necessity for filing this modification arose in view of

the false representation made by the petitioner that the amount which was promised to be returned, was for the amount advanced to him for the lands for which a sale-deed had already been executed. In fact, the said money was to be returned for the subsequent transaction which had never materialized.

Learned counsel for the modification petitioner/ complainant now submits that in the wake of such an eventuality, if the petitioner returns the two sale-deeds which have been referred to, he shall not only be losing the money but shall also be deprived of the land for which the sale has already been executed in his favour.

This Court after considering all facts and circumstances and upon hearing learned counsel for both the parties, modifies the order to the extent that if at all any discrepancy in the sale-deed as has been alleged by the petitioner, the same may be contested in a Court of competent jurisdiction. So far as the return of sale-deeds are concerned, it shall not be obligatory on the part of the modification petitioner to return the same.

With the aforementioned modification, the case stands disposed of.

(Anjana Mishra, J)

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