

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36625 of 2016

Arising Out of PS.Case No. -132 Year- 2015 Thana -SALIMPUR District- PATNA

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Dina Mochi, Son of Mohit Ram, Resident of Mohalla-Kal Diara, Police
Station Salimpur, District – Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 17-09-2016 As prayed for, learned counsel for the petitioner is

permitted to make necessary correction in paragraph-1 of the

application in course of the day.

Heard learned counsel for the petitioner and the learned

A.P.P. for the State.

The petitioner apprehends his arrest in connection with

Salimpur P.S. Case No.132 of 2015 (G.R. No.2043 of 2015)

registered under Sections 406, 420, 468 and 120(B) of the Indian

Penal Code.

The allegation of the complainant/informant is that he

purchased 2 Kathas 5 Dhooors of land of Khata No.229, Thana

No.174 of Plot No.255 of village-Gangapur Narauli from one

Ganga Sagar Singh and got constructed two asbestos rooms and two thatched rooms after erecting the boundary in the said land. All of sudden, the Officer Incharge of Salimpur Police Station reached at the house of the complainant/informant and asked the ladies family members that he has come to arrest the complainant/informant in a criminal case lodged by this petitioner. Thereafter, the complainant/informant came to know that Ram Bachan Singh has sold the part of the land to this petitioner which was purchased by him from Ganga Sagar Singh.

Learned counsel appearing on behalf of the petitioner submits that, in fact, Plot No.255 measuring an area of 4 Kathas 10 Dhors of land was belonging to Ram Bilas Singh. After his death, his four sons, namely, Ram Bachan Singh, Sujit Singh, Dilip Singh and Ganga Sagar Singh came in possession of the land according to their share, i.e., 1 Katha and 2½ Dhors. Thereafter, the petitioner purchased 10 Dhors of land from Ram Bachan Singh out of his share, i.e., 1 Katha and 2½ Dhors but with an ulterior motive, the complainant/informant got executed the sale deed in respect of 2 Kathas and 5 Dhors of land from Ganga Sagar Singh more than of his share. Moreover, the dispute, as detailed in the complaint petition, which is the basis of the F.I.R., appears to be civil in nature. Further submission is that, in

Salimpur P.S. Case No.89 of 2015 lodged by this petitioner against the informant, the informant has already been allowed anticipatory bail in the light of the order dated 08.10.2015 passed in A.B.P. No.5684 of 2015 on 12.10.2015 by the court of Sri Deepak Kumar, Judicial Magistrate, First Class, Barh.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Barh (Patna), in connection with Salimpur P.S. Case No.132 of 2015 (G.R. No.2043 of 2015), subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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