

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44500 of 2016

Arising Out of PS.Case No. -181 Year- 2016 Thana -GORAUL District- VAISHALI(HAJIPUR)

Upendra Kumar son of Sri Dukha Das, Resident of village Ramdaspur,
P.S. Goraul, District Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Kant Mishra

For the Opposite Party/s : Mr. Sri Ajay Kumar Jha

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**
ORAL ORDER

2 27-10-2016

Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Goraul P.S. Case No. 181 of 2016 registered under Sections
420, 406, 465, 467, 468 and 471 of the Indian Penal Code.

The accusation is that on 22.07.2014, the
complainant/informant, Dr. Braj Kishore Prasad, gave loan of Rs.
2,72,000/- to the petitioner and on the same date, an agreement
was made in between them that if the said money is not returned
within 2 years, the petitioner shall execute the sale deed of his land
bearing Deed No. 7550. Thereafter, the petitioner made proposal
for execution of the sale deed to the informant on payment of
consideration of Rs. 6,75,000/-. Thereafter, complainant paid Rs.



6,75,000/- as consideration amount and also 84,000/- as expenses for registry, but the sale deed could not be executed in favour of the petitioner and a fresh agreement was executed on 05.7.2016. In the meantime, he came to know from the Circle Officer that the sale deed, which is said to be executed in favour of the petitioner in respect to land, is forged and that land is detailed in the name of Fuljhari Kurwar. On demand of money, the petitioner also refused to give money.

Learned counsel appearing on behalf of the petitioner submits that due to land dispute with ulterior motive, petitioner has falsely been made accused in this case. In fact, petitioner came in possession in respect to Khasra No. 1523 are 47.25 decimal of village Ramdasapur and accordingly, the Circle Officer has also issued land possession certificate on 20.04.2012, but with ulterior motive the present case has been lodged. The petitioner has also filed the Complaint Case No. 1966 of 2016 prior to lodging of the present complaint case by the informant, which is the basis of the F.I.R.

Having considered the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.

10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the S.D.J.M., Hajipur in connection with Goraul P.S. Case No. 181 of 2016, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Rajendra Kumar Mishra, J)

Shail/-

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