

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38526 of 2016

Arising Out of PS.Case No. -1271 Year- 2014 Thana -BHABHU(KAIMUR) COMPLAINT District-
BHABHUA (KAIMUR)

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Shambhu Lal Srivastaw, son of Late Bachchan Lal, resident of Village-
Patesar, Police Station- Chand, District- Kaimur (Bhabua).

.... Petitioner

Versus

1. The State of Bihar
2. Sitaram Kushwaha , son of Late Moti Singh, resident of Village-
Nindour, Police Station- Chand, District- Kaimur (Bhabua).

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Rajesh Kumar Pathak, Adv.
For the Complainant : Mr. Tribhuwan Nayan, Adv.
For the State : Mr. Rajendra Prasad Nat, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 19-09-2016 Heard learned counsel for the petitioner and learned
APP for the State assisted by learned counsel for the opposite
party no. 2.

2. The petitioner apprehends his arrest for the
offences alleged under Sections 323 and 420 of the Indian Penal
Code registered in connection with Complaint Case No. 1271 of
2014.

3. It is submitted that the petitioner has been falsely
implicated and the present F.I.R. has been filed after several years
relating to a transaction of sale of land made in the year 2006. It is
not in dispute that the petitioner had duly handed over possession
of the land to the complainant and completed all other formalities.
It appears that owing to bona fide error, the plot number 64 was
inadvertently mentioned in the relevant sale deed in place of the
correct plot number 45 describing the land, and for which the
petitioner is prepared to take all necessary steps at his own cost
for rectification.

4. Learned counsel for the opposite party no. 2

appears *suo motu* and has been heard.

5. Having regard to the entirety of the facts and circumstances of the case, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on provisional bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Assistant Chief Judicial Magistrate, Bhabua in connection with Complaint Case No. 1271 of 2014, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following conditions:-

(i) That one of the bailors shall be a close relative to the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) The provisional bail shall stand confirmed upon the petitioner completing the steps for rectification of the plot number as given in the sale deed at his own cost.

(Vikash Jain, J)

Md. Ibrarul/BT

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