

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46798 of 2015

Arising out of PS.Case No. -4135 Year- 2012 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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Durgesh Kumar, Son of Rajendra Thakur, resident of Village -
Andharabara, P.S.- Raja Pakar, District – Vaishali.

.... Petitioner

Versus

1. The State of Bihar.

2. Saroj Devi, Wife of Parmanand Singh, resident of Village - Kuari Bujurg,
P.S.- Gangabridge, District - Vaishali.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Shashi Bhushan Singh, Advocate.

For the State : Mr. Uma Nath Mishra(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 01-02-2016 Heard learned counsel for the petitioner and learned
counsel for the State. No one appears on behalf of opposite party
no. 2.

The petitioner is apprehending his arrest in connection
with Trial No. 6815 of 2013, arising out of Complaint Case No.
4135 of 2012 for the offences instituted under Sections 423, 465,
467 and 120(B) of the IPC.

The prosecution story, in brief, is that on 03.11.2012, the
accused nos. 5 to 9 as named in the complaint petition, took away
Harinath Singh @ Dhuran Singh, the father-in-law of complainant
and at about 7.00 P.M. left him in unconscious position at a lonely



place in the village. It is further alleged that having got information, the complainant went to that place and from there she brought him back to her house. The complainant saw that there was the sign of black ink on all fingers of her father-in-law. The complainant suspected that the accused nos. 5 to 9 named in the complaint petition have made him unconscious after giving liquor and might have got some sale deed executed in respect of some land, then the complainant filed a criminal case against the aforesaid accused nos. 5 to 9 on 07.11.2012 in Ganga Bridge P.S. Thereafter on 12.11.2012, the complainant went to Registry Office, Hajipur, and she came to know that a Kewala deed has been executed by her father-in-law in respect of land of R.S. Plot No. 1509 under Khata No. 99 of Village- Kauri Buzurg and she obtained certified copy of same on 16.11.2012 and it transpires that execution of Kewala has been admitted by the executant before the Commissioner appointed by the Sub-Registrar, Hajipur, Vaishali.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. As per the prosecution case, the complainant suspects that after giving liquor to the father-in-law of the complainant, the petitioner and others have got sale deed executed in respect to land in question. It has been

submitted that the petitioner is a bonafide purchaser of the land and T.S. No. 933/2012 is also pending in the learned court below between the parties. The matter relates to civil dispute.

On behalf of the State it has been submitted that the petitioner is named in the complaint petition.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Trial No. 6815 of 2013, arising out of Complaint Case No. 4135 of 2012 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Vaishali at Hajipur, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)