

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26438 of 2016

Arising Out of PS.Case No. -103 Year- 2016 Thana -ARA NAWADA District- BHOJPUR

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1. Jivan Kumar, Son of Sri Ashok Kumar, Director, Usha Complete Ware and Cable Private Limited. Village+PO.- Mohanpur Parav, P.S.-Bihta, District Patna

2. Satyendra Paswan, Son of Kashinath Paswan, Resident of Village-Mokhalisha, P.S.-Koilwar, District-Bhojpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Siddharth Harsh, Advocate

For the State : Mr. Bal Mukund Prasad Sinha, APP

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 11-07-2016 Heard learned counsel for the petitioners and the State.

Petitioners apprehend their arrest in a case filed under Sections 420/468/471/120B of the Indian Penal Code.

As per allegation, the petitioner no.1, in place of 15.65 decimals of land, has fraudulently entered 2 acres 62.625 decimals of land in the sale deed.

Petitioners are purchaser and the informant / complainant is vendor. There is registered sale deed. It is contended that a Title Suit No. 427/2015 has already been instituted by a coparcener of the family of the vendor in which the petitioners' Company Usha Complete Wear and Cable

Private Ltd. as well as vendor of the petitioner have been shown to be the defendant. The title suit has been filed for cancellation of the sale deed in favour of the petitioners' company. After filing of the aforesaid title suit, the present complaint case has been lodged. It is contended that the case is purely of civil in nature as the informant / complainant has appeared before Registrar and accepted the sale deed. Thus the sale deed can only be cancelled by the court of competent jurisdiction. Whether the sale deed suffers from vice of fraud or not, has to be decided by a court of competent jurisdiction.

Having regards to the facts and circumstances of the case, in the event of arrest/surrender within a period of six weeks from today in Ara Nawada P.S. case no. 103 of 2016, the above named petitioners, Jivan Kumar and Satyendra Paswan shall be released on bail on furnishing bail bond of Rs.10,000(Ten Thousand Rupees) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Ara subject to the conditions as laid down under sub-section(2) of Section 438 of the Code of Criminal Procedure.

(Dr. Ravi Ranjan, J)

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