

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.26674 of 2015**

Arising out of PS.Case No. -329 Year- 2014 Thana -DAUDNAGAR District- AURANGABAD

Bijay Sharma, Son of Late Ram Injore Sharma, resident of village -  
Shamsher Nagar, P.S. Daudnagar, District - Aurangabad at present residing  
at Chopan, P.S. Chopan, District - Sonbhadra ( U.P. )

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

**Appearance :**

For the Petitioner : Mr. Ramakant Sharma, Sr. Advocate.  
For the State : Mr. Md.Sufiyan (App)  
For the Informant : Mr. Purushotam Sharma, Advocate.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

3 11-05-2016 Heard learned senior counsel for the petitioner, counsel  
for the informant and learned counsel for the State.

Vide order dated 21.07.2015, after grant of provisional  
bail to the petitioner till further orders, the matter was referred to  
the Mediation Centre of the Patna High Court. The report dated  
08.04.2016 of the Mediator has been received and kept on the  
record at Flag-M.R.

It has been submitted on behalf of learned counsel for  
the petitioner that the petitioner has no criminal antecedent. The  
informant is the own brother of the petitioner. As per FIR., the  
informant is said to have paid Rs. 18,17,000/- in respect to  
purchase of a land from the petitioner. The sale deed in respect to  
the said land was to be executed on 18.05.2012. From perusal of

Annexure-A to the counter-affidavit, it appears that the sale deed in favour of the informant was executed by the petitioner on 18.05.2012 in respect to a land with a valuation of Rs. 18,17,000/-. Hence, it is submitted by learned senior counsel for the petitioner that a false case has been instituted by the informant. If the allegations made in the FIR be accepted still from perusal of Annexure-A to the counter-affidavit, it is evident that the land in question for the aforesaid amount has already been executed by the petitioner. The petitioner is aged 70 years. The matter relates to civil dispute.

It has been submitted on behalf of learned counsels for the State and the informant that the petitioner is named in the FIR and a fraud has been committed by the petitioner upon the informant.

Considering the aforesaid facts and circumstances and Annexure-A to the counter-affidavit, the provisional bail granted to the petitioner vide order dated 21.07.2015 in connection with Daudnagar P.S. Case No. 329 of 2014, pending in the court of learned S.D.J.M., Daudnagar, Aurangabad, is hereby confirmed.

U.K./-

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**(Sudhir Singh, J)**