WEB COPY NOT OFFICIAL

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1043 of 2011

==========

Balkunth Mishra S/O Late Dineshwar Mishra Resident Of Village - Chapuk , P.S. - Goh , District - Aurangabad , Presently Residing At Baljori Bigha , Near Katari Hill Road , Near -Irrigation Department , Police Station - Chandauti , District - Gaya .

.... Petitioner/s

Versus

1. The State Of Bihar
2. Ramadhar Singh S/O Late Ramdhani Singh Resident Of Village -Dubhal , Police Station- Magadh Medical College , District - Gaya.

.... Opposite Party/s

==========

Appearance :
For the Petitioner/s : Mr. Manish Kumar 2
For the Opposite Party/s : Mr. R.N.Jha (App)

==========

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

07/ 21-09-2016 The present application has been filed for cancellation of bail of opposite party no. 2 Ramadhar Singh, who was granted bail vide order dated 10.05.2010 passed in Cr. Misc. No. 10710 of 2010 in Complaint Case No. 1040 of 2007 wherein processes were directed to be issued after cognizance being taken for the offences punishable under Sections 406, 419, 467 and 468 of the Indian Penal Code, pending in the court of learned Judicial Magistrate, Ist Class, Gaya.

The prosecution case is that the opposite party no. 2 transferred a piece of land to the petitioner in the year 1992 but the same land has subsequently been transferred to others.

It was contented on behalf of opposite party

no. 2 that opposite party no. 2 has transferred the other area of the same plot number in favour of others and dispute will be sorted out within a period of four months.

The opposite party no. 2 was granted anticipatory bail vide order dated 10.05.2010 passed in Cr. Misc. No. 10710 of 2010 with liberty to the petitioner-complainant to file application for cancellation of bail if the matter will not be sorted out at the behest of the opposite party no. 2.

This Court vide order dated 29.06.2011 has directed the Panchayat Mukhiya to submit a report with regard to resolution of the issue. The report of Panchayat Mukhiya is not on record but the report of Vice-Chairman, Nagar Panchayat, Bodh Gaya dated 20.08.2011 is on record which suggests that the land, transferred in favour of petitioner Baikunth Mishra by opposite party no. 2 Ramadhar Singh, has not been sold to anyone and the petitioner Baikunth Mishra is in peaceful possession on the land transferred in his favour by opposite party no. 2.

It is submitted by learned counsel for the petitioner that the issue has still not been sorted out.

Keeping in view of the report of Vice-Chairman, Nagar Panchayat, Bodh Gaya, this Court is not inclined to interfere. Accordingly, this application is disposed of.

However, the petitioner will be at liberty to agitate the issue at the appropriate forum.

(Dinesh Kumar Singh, J)

DKS/-

U T