

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31415 of 2016

Arising out of Complaint No.137C Year- 2013 District- NALANDA (BIHARSHARIFF)

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Om Prakash Verma, son of late Parmeshwar Dayal, resident of Mohalla Murarpur, P.S. Laheri, District Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar
2. Ramji Prasad, son of late Horil Mahto, resident of village Meyar, P.S. Noorsarai, District Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Adv.
Mr. Nilesh Kumar, Adv.
For the Informant : Mr. Rudal Singh, Adv.
For the State : Dr. Ajeet Kumar, A.P.P.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 22-08-2016 Heard learned counsel for the petitioner, learned counsel for the State and the learned counsel for the Complainant.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406 and 420/34 of the Indian Penal Code.

As per the Complaint petition, the petitioner received Rs.20,00,000/- from the Complainant but only executed sale deed of 1.5 decimal of land.

It is contended on behalf of the petitioner that in fact, the sale deed was executed for 1.5 decimals of the same khata and plot number in favour of the petitioner and 7 decimals of land was

transferred in the name of two sons of the petitioner. Copy of the sale deeds have been appended as Annexures 5 and 6 to the supplementary affidavit filed on behalf of the petitioner. Thereafter, since the Complainant has grabbed more than the land which was transferred to him, a Title Suit No. 248 of 2012 was filed against him for recovery of possession over the remaining land. Thus, it is urged that due to that reason, a Complaint case has been filed by the Complainant. It is also urged that this case is of civil nature.

Having regard to the facts and circumstances of the case, let the petitioner, namely, Om Prakash Verma be released on bail in the event of his arrest/surrender before the court below within a period of six weeks from today in connection with Complaint Case No. 137C of 2013 on furnishing bail bond of Rs.10,000/- (Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Biharsharif, Nalanda, 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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