

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52851 of 2016

Arising Out of PS.Case No. -72 Year- 2016 Thana -VISHNUPAD District- GAYA

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Shambhu Sharan Ambastha Son of late Baleshwar Prasad Resident of
Mohalla- Maksoodan Colony, Ward No. 7, Ghughari Tanr, P.S. Shnupad,
District- Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha

For the Opposite Party/s : Mr. Kanhaiya Kishore

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**
ORAL ORDER

2 06-12-2016 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Vishnupad P.S. Case no. 72 of 2016, registered under Sections 406,
420, 341, 323 and 307/34 of the Indian Penal Code and Section 27 of
the Arms Act.

The accusation is that petitioner along with Rameshwar
Prasad Yadav and Md. Ashiq negotiated with Vijay Kumar to
purchase 08 katha of land of Plot No. 20, Khata No. 46 of village
Maranpur, P.S. Vishnupad, District-Gaya on payment of consideration
amount of Rs. 12,00,000/- and also paid Rs.2,00,000/- as advance at
the time of agreement, but the sale deed was not executed by Vijay
Kumar. Thereafter, remaining consideration amount was paid by Md.
Ashiq, Rameshwar Prasad Yadav and by him, but he did not execute
the sale deed while possession was handed over to him on 21.06.2016



when he went at the P.O. land then Vijay Kumar, petitioner were present along with four others. This petitioner also asked to waive the claim over the land saying that he has got special power of attorney in respect of the land. Thereafter on 26.06.2016 construction was being made at the land, where this petitioner, Vijay Kumar and others were present. Thereafter, Vijay Kumar fired at the informant with intention to kill him. At that time, this petitioner snatched golden chain weighted 22 gram.

Learned counsel for the petitioner submits that it would appear from the F.I.R. that the agreement was executed by co-accused Vijay Kumar and consideration amount was received by the said Vijay Kumar and not by the petitioner.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gaya in connection with Vishnupad P.S. Case No. 72 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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