

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48241 of 2015

Arising out of PS.Case No. -20 Year- 2014 Thana -KATIHAR COMPLAINT CASE District- KATIHAR

Shyam Nandan Prasad Choudhary, S/o Late Bhagwat Prasad Choudhary, resident of village- Sirsa, P.O.- Dalan, P.S.- Muffasil (Katihar), District- Katihar.

.... Petitioner

Versus

- 1. The State of Bihar.
- 2. Binod Kumar Singh, S/o- Late Trilok Nath Singh, resident of Barmasia near Jagarnath Mandir, P.S.- Katihar (S), District- Katihar.

.... Opposite Parties.

Appearance :

For the Petitioner : Mr. Anshuman Jaipuriyar, Advocate.
For the State : Mr. Raj Kishore Singh(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-02-2016 Heard learned counsel for the petitioner and learned counsel for the State

The petitioner is apprehending his arrest in connection with Katihar Complaint Case No. 20/2014 for the offences instituted under Section 420 of the IPC.

The prosecution story, in brief, is that the complainant has purchased 2 acres 32 decimals land from the petitioner by virtue of execution of registered sale deed. After purchase, the complainant got the purchased land mutated in the *Serista* of State of Bihar and obtained rent receipt till 2012-13. On 11.09.2013 the complainant went to pay rent to the *Karamchari*, where the



complainant came to know that his *Jamabandi* has been cancelled and the land has been restored in the name of Khatian holder, namely, Bhagwat Pd. Choudhary. On query, it was detected that against the mutation of the land, a Mutation Appeal was filed vide No. 443/2011-12 by the brother of the petitioner, where the petitioner did not disclose that he has sold out 3 acres and 72 decimals of land to the complainant, resulting cancellation of *Jamabandi* with respect to the land in question, in his name, and has cheated the complainant.

It has been submitted on behalf of the petitioner that the petitioner has falsely been implicated in the present case. From perusal of the complaint petition itself it would appear that the entire matter relates to civil dispute between the parties. Though the sale deed was executed as back as in the year 1999 and the present complaint case has been filed in the year 2014.

On behalf of the State it has been submitted that the petitioner is named in the complaint case.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Katihar Complaint Case No. 20/2014, on furnishing bail bond of Rs. 10,000/-(Ten

Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Katihar, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)