

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13368 of 2017

Arising Out of PS.Case No. -228 Year- 2016 Thana -GAYA COMPLAINT CASE District- GAYA
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Md. Zeyauddin, Son of Late Halimuddin, Resident of Village-Hamzapur,
P.S. Amas, District-Gaya.

.... Petitioner/s

Versus

1. The State of Bihar
2. Jitendra Kumar Singh, Son of Late Ranjit Singh, Resident of Village-
Golabazar, P.S. Sherghati, Distt. Gaya.

.... Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Md. Anisur Rahman, Advocate.

For the Opposite Party/s : Mr. Sri Ajit Kumar, APP
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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 25-04-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Complaint Case No. 228 of 2016, registered under Sections 420,
467, 468, 471 and 120B of the Indian Penal Code and Section 138
of the Negotiation Instrument Act.

The allegation of complainant, Jitendra Kumar Singh,
is that he along with Mukhtar Khan purchased 1 acre 4 decimals
of land of Khesra No. 824 in village Mahuawa, P.S. Amas,
District- Gaya, on 11.12.2012. After purchased, 52 decimals of
land came in the share of the complainant. Thereafter, petitioner
and one Imran Razvi came to the house of the complainant and



talked to purchase the land of the complainant on payment of consideration amount of Rs.12 lacs and Rs.3 lacs was also paid as advance. Thereafter, the sale deed was drafted on 21.08.2014 showing the consideration amount of Rs.807000/- and due to some problem the total consideration amount of Rs.14 lacs is not shown but drafted sale deed was not registered. In spite of request, remaining consideration amount of Rs.11,00,000/- was not paid to him by the petitioner and Imran Razvi. Thereafter, Panchayati was arranged in which decision was taken and accordingly cheque of Rs.11,00,000/- was handed over by the petitioner to him to present for encashment and petitioner was permitted to sale the land to others. On instruction of petitioner, the cheque was presented but cheque was dishonoured due to insufficient of money.

Learned counsel for the petitioner submits that, in fact, after Panchayati, petitioner and Imran Razvi sold 13 decimals of land to Khuram Khan and 26 decimal of land to Mukhtar Khan but on measurement the land was not according to the sale deed executed by the complainant. Thereafter, petitioner and other cancelled the sale deed and returned the money and filed Title Suit No. 48 of 2016 against Mokhtar Khan and Jitendra Kumar and also instructed the bank not to encash the cheque of Rs.11 lacs issued in favour of complainant.



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 six 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 Additional Chief Judicial Magistrate, Sherghati, Gaya, in connection with Complaint Case No. 228 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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