

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23509 of 2017

Arising Out of PS.Case No. -1237 Year- 2015 Thana -KHAGARIA COMPALINT CASE District-KHAGARIA

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Pramod Mahton, Son of Late Lagan Mahton, Resident of Village - Bhadas
Uttri, P.S. Mufassil, District - Khagaria

.... Petitioner

Versus

1. The State of Bihar.
2. Shankar Kumar Suman, Son of Rajendra Prasad Verma, Resident of
Bhadas Uttri, P.S. - Muffasil, District Khagaria.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar

For the Opposite Party/s : Mr. Sri Iftekhar Mahmood

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

6 21-09-2017 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Section 420 of the
Indian Penal Code.

Allegation against the petitioner is that he had
purchased the land which was already purchased by the
complainant. The petitioner purchased from a non-title-holder and
for that dispute Title Suit No. 125 of 2012 is going on between the
parties.

Submission of the learned counsel for the petitioner is
that in fact, in the alleged transaction, petitioner has been cheated
because he is bona fide purchaser for consideration. Therefore,



criminal prosecution is an abuse of the process of the Court.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Khagaria/successor Court in connection with Complaint Case No. 1237C of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioner shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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