

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15848 of 2017

Arising Out of PS.Case No. -138 Year- 2016 Thana -SAHPUR District- PATNA

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Aatma Nand Sharma, S/o- Late Suresh Sharma, R/o - Bhagwatipur, P.S.
Shahpur, District- Patna.

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party.

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Appearance :

For the Petitioner : Mr.

For the State : Mr.

For the complainant/informant: Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 13-07-2017 Let the supplementary affidavit filed on behalf of the
petitioner be kept on the record.

Heard learned counsel for the petitioner and the learned A.P.P.
for the State as also the learned counsel for the complainant/informant.

The petitioner apprehends his arrest in connection with
Shahpur P.S. Case No.138 of 2016 registered under Sections 323, 406,
420, 467, 468 and 471 of the Indian Penal code.

The accusation is that 0.56858 decimal land of Plot No.32 and
0.168895 decimal land of Plot No.190 of Khata No.67 of village-
Usrikhurd, P.S. Sahpur(Danapur) was acquired by Late Shivpari Devi,
the mother of the complainant/informant, through Baksisnama and the
said land was acquired by the Government for extension of N.H.30 and
N.H.84 and the compensation amount worth Rs.38,89,869/- was to be



paid after deducting 10% in Income Tax Head. Since the complainant/informant was disabled person so he authorized his cousin (petitioner) to withdraw the said amount and deposit the same in his account. In spite of arranging Panchayat, the petitioner deposited the cheque of Rs.19,00,000/- in his bank account and grabbed the rest amount.

Learned counsel appearing on behalf of the petitioner submits that, in fact, the Baksisnama, which is said to be executed in favour of the mother of the complainant/informant, was challenged vide Title Suit No.17 of 1975 by the father of the petitioner and others, which was decreed on 11.03.1980 by cancelling the gift deed in respect to the land in dispute. As such, the complainant/informant only to put undue pressure lodged this false case against the petitioner.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Danapur, Patna, in connection with Shahpur P.S. Case No.138 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

P.S./-

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