

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48071 of 2017

Arising Out of PS.Case No. -37 Year- 2014 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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Uma Shankar Mishra, S/o Late Kamod Mishra, Resident of Mohalla-
Madhuban Chhabni Chowk, P.S.-Motihari Town, District-East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratanakar Jha

For the Opposite Party/s : Mr. Sri Damodar Prasad Tiwary

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 12-10-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Motihari Town P.S. Case No. 37 of 2014, registered under Section
387, 504 and 506/34 of the Indian Penal Code.

The accusation is that informant, Krishna Kumar, who
used to run shop in the name of M/S Rambhawan Ram Jamuna
Prasad purchased 6 katha land at Madhubani Chahawani Chowk to
petitioner, holding the power of attorney of Chitranjan Mukherjee,
on payment of consideration amount. Later on, the informant came
to know that Chitranjan Mukherjee has cancelled the power of
attorney executed in favour of petitioner. Thereafter, he purchased



2 katha land to Chitranjan Mukherjee in the name of his wife and son and took possession over the land. Thereafter, petitioner and his son, Lalit Narain Mishra demanded Rs.30,00,000/- as commission. On 27.01.2014, when the informant along with his family members reached at his plot then Lalit Narain Mishra, son of the petitioner, started to abuse and made demand of Rs.30,00,000/- and threatened him to face the dire onsequences.

Learned counsel for the petitioner submits that, in fact, Chitranjan Mukherjee, executed the power of attorney in favour of the petitioner regarding his land, on which basis, petitioner sold the land to several persons including the two kathas land, which is said to be purchased by the informant in the name of his wife and son to Chitranjan Mukherjee. Thereafter, petitioner filed the Title Suit No. 164 of 2014, pending in the court of Sub-Judge-I, Motihari, in which, wife of the informant has been made party as defendant. Due to that reason the present case has been lodged only to give undue pressure. Moreover, due to land dispute, several other cases have also been lodged by the informant and his family members against the petitioner and his son

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 Chief Judicial Magistrate, East Champaran, in connection with Motihari Town P.S. Case No. 37 of 2014, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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