

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.28894 of 2017**

Arising Out of PS.Case No. -22 Year- 2017 Thana -KOILWAR District- BHOJPUR

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1. Arbind Kumar Son of Okil Yadav, Resident of Village- Chakmunje, P.S.-  
Bihta, District- Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Satish Chandra

For the Opposite Party/s : Mr. Sri Harendra Prasad

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR**  
**JHA**  
**ORAL ORDER**

3      24-07-2017                      Heard both sides.

The petitioner apprehends his arrest in Koilwar P.S.  
Case No. 22 of 2017, arising out of Complaint Case No. 1397 of  
2016 registered for the offences punishable under Sections 341,  
420, 406, 467, 468, 471, 506 and 120B of the Indian Penal Code.

The informant filed Complaint Case No. 1397 of 2016  
on the basis of which the present FIR was registered. The  
informant alleged that he is the Manager of Jivan Kumar the  
Managing Director of Usha Complete Wire and Cable Pvt. Ltd.  
Company and look after the works of sale and purchase of lands  
on behalf of Jivan Kumar. The petitioner is acquainted with Jivan  
Kumar from before and the petitioner assured Jivan Kumar to  
purchase lands of Gayatri Devi of Khata No. 367, RSP No. 1470,



Area 51 decimals which is free from all incumbrances. The sale deed was executed and the petitioner also received Rs. 1 lakh through cheque but, later on Shashi Kant Tripathy filed criminal case and the informant came to know that the land does not belong to Gayatri Devi.

Learned counsel for the petitioner submits that the petitioner did not commit any fraud. The petitioner is not the witness of the sale deed. The petitioner simply requested the informant to purchase lands of Gayatri Devi. The informant, himself, perused the entire records and got the sale deed executed from Gayatri Devi. The informant filed many other cases of similar nature.

On the other hand learned counsel for the informant submits that the petitioner duped huge money from Jivan Kumar and got the sale deed executed from a person who is not the owner of the lands. It is further submitted that prayer for anticipatory bail of Ajay Kumar Singh, who also got the land executed in favour of Jivan Kumar for which Koilwar P.S. Case No. 55 of 2017 was registered has already been rejected vide order passed in Cr. Misc. No. 26172 of 2017 on 01.07.2017. The case of the petitioner stands on the same footing.

From perusal of the FIR, itself, it appears that the



petitioner is a middle man. The purchaser purchased lands from Gayatri Devi but the petitioner did not put signature on the sale deed even as a witness. It is the duty of the purchaser to see the documents of the lands purchased by him as to whether the lands belongs to the seller/vendor or not but it appears that the purchaser did not look into the records and got the sale deed executed.

Considering the facts aforesaid, the petitioner above named in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in Koilwar P.S. Case No. 22 of 2017, arising out of Complaint Case No. 1397 of 2016, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

**(Prabhat Kumar Jha, J)**

KKSINHA/-

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