

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33148 of 2015

Arising Out of PS.Case No. -2340 Year- 2013 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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Satyajit Kumar Singh @ Munna Singh, Son of Late Indrajeet Singh,
Resident of village - Kolhua, P.S. Manjha, District - Gopalganj

.... Petitioner

Versus

1. The State of Bihar
2. Binay Singh, Son of Triloki Singh, Resident of Village - Bhitbherwa,
P.S. and District - Gopalganj

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Hemant Kumar

For the Opposite Party/s : Mr. Rajiv Nayan(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 08-05-2017 Heard learned counsel for the petitioner and the State.

The present application has been filed for quashing of the order dated 02.04.2015, passed by the learned Sessions Judge, Gopalganj, arising out of Complaint Case No.2340/2013 whereby the petitioner's prayer for extending the period of surrender has been rejected.

The factual matrix of the case is that the petitioner conveyed the complainant that he has purchased the land appertaining to Khata No.3, Plot No.384, an area of 1 Katha situated at Barai Tola, Ward No.2, in the District of Gopalganj. from one Ajay Kumar Dwivedi on the basis of Power of Attorney dated 26.04.2010 which was cancelled on 03.11.2011. The



complainant claimed to have given Rs.4,50,000/- to the petitioner subsequently, the complainant learnt that the Power of Attorney was cancelled prior to transfer by way of sale deed but, the petitioner concealed this fact at the time of transferring the land in question in favour of the complainant. Hence, Complaint Case No.2340/2013 was filed with accusation under sections 420, 467, 468, 406 120B of the Indian Penal Code. The petitioner preferred anticipatory bail A.B.P. No. 150/2015 which was disposed of by learned Sessions Judge, Gopalganj, vide order dated 04.03.2015 and considering the accusations arising out of civil nature of dispute the petitioner was directed to surrender within a period of 15 days and pray for regular bail.

It is submitted by learned counsel for the petitioner that the petitioner could not surrender within the stipulated time frame due to the bereavement in the family, hence, he preferred a petition for modification of the order passed dated 04.03.2015 in ABP No.150/2015 to the extent of extending the period of surrender but the same was rejected by the learned Sessions Judge vide order dated 02.04.2015. The said order is impugned in the present proceeding.

Learned counsel for the petitioner confines his prayer only to the extent of extending the period of surrender.



Learned counsel appearing on behalf of opposite party no.2 does not oppose the prayer of the petitioner to the extent of extending the period of surrender.

In the circumstances, the order dated 02.04.2015, passed in ABP. No. 150/2015, passed by the learned Sessions Judge, Gopalganj, in ABP No. 150/2015 is modified to the extent that the period of surrender is extended by two weeks from the date of production/receipt of a copy of this order.

It is expected from the learned Court below to consider the prayer for bail of the petitioner in view of the observations made by the learned Sessions Judge, Gopalganj, vide order dated 04.03.2015 passed in ABP No.150/2015.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

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