

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18787 of 2017

Arising Out of PS.Case No. -577 Year- 2016 Thana -GAYA COMPLAINT CASE District- GAYA
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1. Ajay Mehta Son of Sita Ram Mehta Resident of Village-Sikhar, Police Station Mofassil, District-Gaya.

.... Petitioner/s

Versus

1. The State of Bihar
2. Chansi Sokea, Deputy Director of Combodian Buddhist Trust Son of Sykhy, resident of Near 80 Feet Statue, Mastipur, Police Station Bodh-Gaya, District-Gaya

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

Appearance :

For the Petitioner/s : Mr. Kumar Dharendra Pratap Singh
For the Opposite Party/s : Mr. Niranjana Kumar
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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 08-05-2017 Heard the parties.

The petitioner is apprehending his arrest in connection with Complaint Case No.577 of 2016, registered for offences punishable under Sections 406 and 420 of the Indian Penal Code.

Allegation against the petitioner is about a land, which does not belong to the petitioner rather of the State of Bihar and the same has been sold to the complainant.

It is submitted on behalf of the petitioner that before filing of this case, the execution of sale-deed in respect of the said land was executed by the petitioner in favour of the complainant and a cheque was given to the petitioner but that cheque bounced and thereafter the petitioner lodged a case. It is further submitted that



the informant has come with a case that the petitioner has not title/possession over the said land as that belongs to the State of Bihar. It has also been submitted that with respect to the said land, a suit had been filed before the learned court below and the order was passed in favour of the petitioner, as such no case is made out against the petitioner.

Heard learned A.P.P. and learned counsel for the petitioner. The learned counsel for the informant has opposed the prayer for anticipatory bail on the ground that the land does not belong to the petitioner and for that Parwana has been issued, as such the petitioner is in the habit of cheating the other persons.

Having heard both sides and considering the fact that a suit has already been decided in favour of the petitioner with respect of the said land. It is submitted on behalf of the informant that an appeal is pending before this Court in this regard, which has been filed by the State of Bihar but up-till-now no order has been passed.

Considering the aforesaid facts, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of C.J.M., Gaya in



connection with Complaint Case No.577 of 2016, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the investigation of the case and make himself available as and when required by the police, otherwise, the prosecution is free to move for cancellation of his bail bond.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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