

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3638 of 2017

Arising Out of PS.Case No. -551 Year- 2016 Thana -ARA NAWADA District- BHOJPUR

- =====
1. Santosh Kumar Sharma, son of Awadh Bihari Sharma, resident of village- Baksanda, Police Station- Tarari, District- Bhojpur at Ara, presently Village/Mohalla- Anaith (Dhobi Ghat), Sarvoday Nagar, Police Station- Ara (Nawada), District- Bhojpur at Ara.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kavita Sharma, W/o Anil Kumar Sharma, resident of village- Gaudarh, Police Station- Sahpur, District- Bhojpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vipin Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sri Ataur Rahman, APP
Mr. Sunil Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 08-03-2017

Heard learned counsel for the Petitioner and the State.

The Petitioner apprehends his arrest in Ara Nawada P.S. Case No.551 of 2016 instituted for the offence under Section(s) 420, 406 Indian Penal Code.

It has been submitted on behalf of the petitioner that petitioner is merely a mediator between the parties. There is no concern with the sale of land and he never received any consideration money from the informant.

As per prosecution case, the petitioner is the property dealer. He showed the informant, her husband and



brother-in-law a plot of land for sale @ ₹2,12,000/- per katha and received ₹1,47,000/- in cash himself and ₹21,200/- in the account of co-accused, Ramanuj Sharma. The petitioner also received amount from the brother-in-law of the informant. Later on, the petitioner got executed sale deed for 1 katha land in the name of the informant and 1 katha 10 dhur in the name of her sister-in-law from one Om Prakash Pandey. Proper documents were not provided to the informant. The informant later learnt that the petitioner has got sale deed executed for the land which was lesser in value and the petitioner acknowledged the same on stamp paper that he showed wrong land to the informant and would return the money and take back the plot of lands.

Case diary has been received.

Learned APP has submitted that witnesses have made similar statement as made in the written report.

From the written report, it appears that petitioner got sale deed executed in favour of the informant and her sister-in-law from one Om Prakash Pandey for the consideration money which he is alleged to have received. There is allegation that the land for which sale deed was executed was of lesser value than the land for which agreement was made.

This Court is of the view that these are the disputed



questions, which can be adjudicated in civil court. From the nature of allegation, it appears that the petitioner has acted as mediator and he got the sale deed executed, but the informant claimed that the aforesaid land was of lesser value. For such grievance, civil remedy is available to the informant.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Ara Nawada P.S. Case No.551 of 2016, he shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhojpur at Ara, subject to the conditions as laid down under Section 438(2) Cr. P. C.

(Sanjay Priya, J)

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