

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13197 of 2017

Arising Out of PS.Case No. -39 Year- 2016 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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Krishna Tiwari

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramashray Roy, Advocate

For the Opposite Party/s: Mr. Sanjay Kumar Tiwary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 18-03-2017 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Complaint Case No. 39 of 2016 registered for offence
punishable under Section 420 of the Indian Penal Code.

The Complainant in this complaint petition has stated
that accused Gautam Kumar and Moti Lal Kashyap had acquired
land from the petitioner by virtue of registered sale deed. The said
purchasers subsequently, sold the said land to the Complainant by
virtue of two registered sale deeds after receipt of full
consideration money. Accused persons had no right title or
possession over the land. They have cheated him by taking money
with respect to the land which was already acquired by the Govt.
and the accused persons had already received compensation
money with respect to the same.



Learned counsel for the petitioner submits that he had not executed any sale deed in favour of the complainant rather he had executed sale deed in favour of vendors of the complainant, who have not raised any objection against the petitioner and the dispute between the parties is purely a civil dispute which requires determination of title. The petitioner executed sale deed in favour of co-accused and so no offence as alleged is made out.

The learned APP, on the other hand, opposed the anticipatory bail prayer.

In the facts and circumstances of the case, as stated above, let the above named petitioner in the event of his arrest or surrender before the Court below within a period of four weeks from today be admitted on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned 10th Additional Chief Judicial Magistrate, Rohtas at Sasaram in connection with Complaint Case No.39 of 2016 subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Sanjay Kumar, J)

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