

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15831 of 2017

Arising Out of PS.Case No. -1308 Year- 2013 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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Sahnawaz Ahmad, S/o Sami Ahmad, Resident of Mohalla- Bhagwanpur,
P.S.- Sadar, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Aditya Kumar Chatterjee, S/o Late Dijendra Nath Chatterjee, R/o
Mohalla- Motijheel Ayodhya Prasad Lane, P.S.- Nagar, Distt- Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subesh Sharma

For the Opposite Party/s : Mr. Sri Rajballabh Singh

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 11-07-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Complaint Case No. 1308 of 2013, registered under Sections 420,
467 and 468/34 of the Indian Penal Code.

The allegation of complainant, Aditya Kumar
Chaterjee, is that he is the owner of Khata No. 110, Khesra No.
226. He was in need of money due to that reason he executed the
power of attorney in favour of the petitioner in respect to sale the
piece of land and left the Muzaffarpur. When he returned after five
months then found that his land was not sold by the petitioner nor



consideration amount was deposited in his account. Till that time, he was not in need of money, therefore, he revoked the deed dated 09.09.2011 and also published the same in two newspapers, i.e., Kamal and Prabhat Khabar on 26.09.2011 and 29.09.2011. On 14.05.2013, accused-petitioner and Shiv Shankar Shahni came at the plot and started measurement of the land, on which, wife of the complainant made protest then Shiv Shankar Shahni told that he has purchased the land from the petitioner. Thereafter, complainant made query and got the certified copy of the sale deed on 16.05.2013, from which, he found that without giving proper consideration money, petitioner sold the land showing the consideration money of Rs. 29,84,000/- while the prevalent rate of land was Rs.60,00,000/-. As such, the petitioner cheated him.

Learned counsel for the petitioner submits that complainant executed the power of attorney in favour of the petitioner after taking Rs.16,00,000/- for selling his land but with ulterior motive behind the petitioner he revoked the power of attorney and file the present case on false allegation..

Learned counsel for the complainant-opposite party no.2 submits that in spite of knowledge about cancelling of the power of attorney executed in favour of petitioner by complainant he sold his land and till today the consideration amount has not



been paid.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate Ist Class, Muzaffarpur, connection with Complaint Case No. 1308 of 2013, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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