

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20939 of 2018

Arising Out of PS.Case No. -217 Year- 2017 Thana -SAMASTIPUR District- SAMASTIPUR

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Uttam Chatarjee S/o Late Sudhanshu Kumar Chatarjee, R/o MOhalla-Kashipur Ward No. 12 (New), West of Patel Maidan, P.S.- Town, District-Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajoday Satyjeet

For the Opposite Party/s : Mr. Manish Kumar 2

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA

ORAL ORDER

2 30-04-2018 Heard learned counsel for the petitioner.

Petitioner apprehends his arrest in connection with Samastipur Town P.S. Case No. 217 of 2017 registered for the offences punishable under Sections 419, 420, 467, 471 and 34 of the Indian Penal Code.

Allegation as per FIR is that the petitioner in connivance with other accused persons has filed a Partition Suit and then got the same transferred to the Lok Adalat on the ground of compromise with regard to a piece of land pertaining to Khesra No.670 (New) and got a decree prepared and projected wrong Khesra No. 270 in place of 670 and on the basis of wrong Khesra number they have executed sale deeds to four different persons, including the informant and informant constructed house on the land. Further case is that mutation application was rejected on the ground that Khesra No. 670 pertained to Patel Maidan and not of the accused persons.



Submission of learned counsel for the petitioner is that due to clerical mistake Khesra No. 270 was written in Lok Adalat and actually the petitioner is owner and purchaser of the land and which does not belong to Patel Maidan.

Heard learned APP also.

Having heard both sides and in the facts and circumstances, as stated above, let petitioner, above named, surrender within a period of four weeks from the receipt of this order and on his so surrendering he shall be released on provisional bail to the satisfaction of the court below till the submission of charge sheet on the condition that he will co-operate in investigation of the case. However, once charge sheet has been submitted and if the case is found true against the petitioner, he shall have to surrender and pray for regular bail, which shall be considered on the basis of the materials available on record at that time.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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