

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.22204 of 2018

Arising Out of PS.Case No. -321 Year- 2017 Thana -BIHIYA District- BHOJPUR

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1. Shyama Kant Verma @ Nanhelal S/o Late Barmeshwar Nath Verma,
R/o Vill. Bara Kharauni, P.S.- Bihiya, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar

For the Opposite Party/s : Mr. Sunil Kumar Pandey

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 10-05-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner has been in custody since 05.02.2018
in connection with Bihiya P.S. Case No. 321/2017 registered for
the offences punishable under Sections 406/420/467/468/120B/34
of the Indian Penal Code.

Learned counsel for the petitioner submits that the
entire case is misconceived and, if at all, there was any dispute
regarding the mortgage purported to have been executed by the
brother of the petitioner in favour of the informant for which the
petitioner had also executed a similar mortgaged deed in favour of
Manati Devi, it was open to the concerned informant to proceed
for cancellation of such a mortgaged deed before the authorities.
Learned counsel for the petitioner submits that it cannot be



presumed that the petitioner had knowledge that such a deed was being executed after he had already executed a mortgaged deed in favour of Manati Devi. He further submits that there is admittedly dispute between the brothers with regard to the properties.

It thus appears that the entire dispute is one of civil nature for which appropriate remedy should have been sought by the informant rather than implicate the present petitioner.

In view of the present facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. Vth, Bhojpur, Ara, in connection with Bihiya P.S. Case No. 321/2017.

(Anjana Mishra, J)

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