

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8815 of 2018

Arising Out of PS.Case No. -1866 Year- 2016 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

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1. Anand Shankar Sahrma, Son of Late Ram Karan Rai, Resident of Village- Shikarpur, P.S.- Majhauria, District- West Champaran, at present residing at Mohalla Hawaii Adda Chowk, Motihari, P.S.- Chhatauni, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Santosh Pandey, Son of Late Anirudh Pandey, Resident of Village- Sikarpur, P.S.- Majhauria, District- West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shakti Suman Kumar

For the Opposite Party/s : Mr. Sri Lakshmi Kant Sharma

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 09-04-2018 The petitioner is apprehending his arrest in connection with Complaint Case No. 1866-C/16, registered for offences punishable under Sections 420, 467, 468 and 471 of the Indian Penal Code.

Allegation against the petitioner that he sold the complainant which did not belong to the petitioner and later on complainant came to know that sale deed has been executed with respect to his own land.

It has been submitted on behalf of the petitioner that he got the ownership of the land in question in *badlain*. Further this case has been lodged after one year and the informant has already



paid Rs. 1,00,000/- to the informant with regard to purchase of the said land and only in order to avoid the payment of remaining amount, he has filed this present false case.

Heard learned A.P.P. also as well as learned counsel appearing on behalf of the complainant. Learned counsel for the complainant has submitted that petitioner is nowhere in the genealogical table of family of the complainant and the claim of petitioner that he got the land in partition is not probable and story of *badlain* is also false and petitioner has committed fraud by executing the sale deed of complainant's own land in favour of complainant.

Having heard both sides, considering the facts and circumstances of the case, nature of offence and also that petitioner has no criminal antecedent and only general and omnibus allegation has been levelled against him, let the petitioner above named, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM -1st Bettiah, in connection with Complaint Case No. 1866-C/16, subject to the conditions as laid down under Section 438(2)



of the Cr.P.C, it is further subject to the condition that:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner shall cooperate in the investigation and make himself available as and when required by the police and on the event of failure on his part to appear before the police on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail bonds.

(Vinod Kumar Sinha, J)

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