

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22883 of 2018

Arising Out of PS. Case No.-1890 Year-2016 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Braj Kishore Singh, Son of Late Ram Surat Singh, resident of Village-
Jogauliya, Police Station- Madhuban, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Gagandeo Sah, Son of Late Janaki Sah, resident of village- Naurangia, Tola-
Taksari, Police Station- Madhuban, District- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Panchanand Pandit

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 27-04-2018 Heard learned counsel for the petitioner and learned
counsel for the State as also counsel for the Complainant.

In this case, the petitioner is apprehending his
arrest in connection with Complaint Case No. 1890C of 2016
registered for offences under sections 420, 323/34 of the Indian
Penal Code.

In the present case, the dispute is with respect to
execution of sale deed in favour of opposite party no.2. The
Yadastnama showing partition reflects the land, in question, 14
Katha, was allotted to the petitioner and, out of that, he has sold
some land in favour of Banshi Sah and rest of the land has been
sold in favour of opposite party no.2. At the same time, the



complaint petition itself shows that after execution of the sale deed, the opposite party no.2 came in possession over the land but, another person, namely, Ram Babu Singh, raised objection over the possession of the land stating that the Petitioner was allotted only 7 Katha 4 dhur of land by way of Batwara from which he has already sold 6 Katha of land to one Bansi Sah.

Learned counsel for the Complainant submits that he has paid Rs. 3,95,000/-, if the petitioner returns the same, he will have no grievance whereas learned counsel for the petitioner submits that he has sold the land as per partition deed.

This is purely a civil dispute and the parties can settle the same in the civil court.

Looking to the entire facts and circumstances of the case, let the petitioner, namely, Braj Kishore Singh, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIII, Motihari, East Champaran in connection with Complaint Case No. 1890C of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to condition that whenever



the police will call the petitioner for investigation/interrogation,
he will remain present and if he would not present himself, the
privilege of grant of anticipatory bail shall be deemed to have
been canceled.

(Shivaji Pandey, J)

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