

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6473 of 2018

Arising Out of PS. Case No.-38 Year-2017 Thana- SIWAN CITY District- Siwan

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Gama Yadav, Son of Late Parmeshwar Choudhary, Resident of Village
Nauwapali, P.S. Siwan Muffasil, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Naresh Prasad, Adv.

For the Opposite Party/s : MD. FAHIMUDDIN, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-02-2018 Heard learned Counsels for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 420, 467, 468, 504,
506 and 120B of the Indian Penal Code.

Initially the prosecution case got initiated with filing of
Complaint Case No.2486 of 2016, which came to be registered
as police case being Siwan Town P.S Case No.38 of 2017, after
its being transferred under Section 156(3) of the Code of
Criminal Procedure.

The prosecution case is that on 16.06.2014, all the accused
persons in connivance with the co-accused, Ram Kishun Manjhi
transferred 2 katha of land, appertaining to Khata No. 44, Plot
No.581, after paying consideration amount of Rs. One Lakh



Forty Two Thousand, in favour of the informant. Subsequently, the informant filed a petition before the Circle Officer, Siwan for getting his name mutated, then he found that Jamabandi is running in the name of some other person. Thereafter, the informant requested the accused persons to return the money, but it was not returned, rather on 29.08.2016, when the informant asked the accused persons to return the money taken as advance, he was assaulted and Rupees Two Thousand was snatched from his pocket. The written report was transmitted through registered post on 30.08.2016, but it was not registered, thereafter the complaint was filed.

It is submitted by learned counsel for the petitioner that the petitioner is neither executor nor the purchaser and identifier in the sale deed in question, hence, maliciously he has been roped in the present case. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by Mr. J. N. Thakur learned APP for the State that the petitioner is named in the FIR.

Considering the fact that the sale deed in question was not executed by the petitioner coupled with statement made in paragraph no.3 of the petition that the petitioner is not having



any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 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 learned CJM, Siwan, in connection with Siwan Town P.S. Case No.38 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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