

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53489 of 2017

Arising Out of PS.Case No. -224 Year- 2016 Thana -GARDANIBAGH District- PATNA

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Lallan Singh @ Bachcha Singh

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey

For the Opposite Party/s : Mr. Sri Asharaf Ansari

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 15-01-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Gardanibagh P.S. Case No. 224 of 2016 instituted for the offence under Sections-341, 323, 406, 420, 467, 468/34 of the Indian Penal Code.

It has been submitted on behalf of the petitioner that sale deed has been executed by this petitioner in favour of the complainant on 30-05-2012. The mutation has already been made of the aforesaid land in the name of complainant and rent receipt has been issued in her favour which is annexed as Annexure-5 to this petition.

It has been submitted that daughter of the complainant namely Smt. Kaushalya Devi has purchased part of the land measuring an area of 2.34 decimals through registered sale deed on 14-10-2011 and thereafter, the rest land about 3.125 decimals, has been purchased by this informant.

Counsel for the petitioner has submitted that after purchase of the aforesaid land, some local people are making trouble to the



informant for possession and after four years of execution of sale deed, the instant case has been filed against the petitioner.

Counsel for the informant has appeared and filed counter affidavit stating that the aforesaid land has already been sold to the ancestor of the complainant in the year, 1927 and in 1934, Shiv Mahadeo Mahto sold the said land to ancestors of Raudari Gope and others who came in possession. Counsel for the informant has submitted that one of the relatives of Shiv Mahadeo Mahto i.e. Pramod Kumar has filed Title Suit No. 91 of 2010 before Sub Judge-I, Patna which is pending and in that case, name of the new purchasers namely Shiv Mahadeo Mahto and name of subsequent purchasers could not be entered in Register-II and name of the ancestors of the petitioner only remained in Register II and receipt was being issued and taking advantage of which, the petitioner has fraudulently sold the aforesaid land to the informant.

After looking into allegation as well as statement made in counter affidavit, this court finds that it is a matter of civil dispute.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Gardanibagh P.S. Case No. 224 of 2016 to the satisfaction of learned Chief Judicial



Magistrate, Patna subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable cause, will liable to cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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