

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.50027 of 2018**

Arising Out of PS. Case No.-32 Year-2013 Thana- KARJA District- Muzaffarpur

Ramesh Kumar Sharma, son of Vishwanath Sharma, resident of Village-  
Damodarpur, P.S. Kanti, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mrs/ Bela Singh, Advocate

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

4      12-12-2018                      Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in connection with Karja P.S. Case No. 32 of 2013 for the offence under Sections 467, 468, 471 and 420/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that in the instant case allegation is of non-payment of consideration amount, despite the fact that consideration money amounting to Rs.12,50,000/- was mentioned in the registered sale deed. She submits that the family members of the informant were witnesses in the registered sale deed and in view of the above the allegation of not payment of consideration money for execution of sale deed cannot be accepted.

Without going into the controversy whether the consideration money was paid or not and if the consideration



money was not paid, remedy is available to the informant to approach the appropriate forum for cancellation of the sale deed, as sale without consideration money is nullity.

In view of the above, the petitioner named above, in the event of arrest or surrender before the court below within one month from today, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-cum-Sub-Judge-II, West Muzaffarpur in connection with Karja P.S. Case No. 32 of 2013 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Anil Kumar Upadhyay, J)**

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