

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68644 of 2018

Arising Out of PS. Case No.-640 Year-2016 Thana- PHULWARISHARIF District- Patna

DHEERAJ KUMAR wife of Anil Kumar soni Resident of Village-
Mohamadpur,P.S. Phulwari,Distt.-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate. Ms. Babita Kumari, Advocate. Mr. Pravin Kumar Advocate Mr. Shashank Shekhar, Advocate.
For the informant	:	Mr. Shantanu Kumar, Advocate.
For the State	:	Mr. Pranav Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 12-12-2018 Heard learned counsel for the petitioner, counsel for
the informant and learned APP for the State.

Petitioner seeks bail in **Phulwarisharif P.S. Case No.**
640 of 2016 instituted for the offence under Section(s) 406, 420,
467, 468 and 471 Indian Penal Code.

Counsel for the petitioner submits that petitioner is
land broker. The sale deed with respect to 6 Katthas of land was
executed by Vipin Kumar, Anil Kumar Pandey and Binod Rai.
He has stated that this petitioner is not executor of the aforesaid
land.

The informant has alleged that sale deed with respect
to 6 Katthas of land was executed in favour of her Bhainsur by



aforesaid persons for consideration amount of Rs.16,40,000/- and when she applied for mutation, then the same was refused on the ground that land does not belong to them.

Counter affidavit has been filed by the informant stating therein that *Mahadnama* was entered into between petitioner and informant for total 7 Katthas and 1 Dhur of land. It is mentioned in the *Mahadnama* that payment was made to the petitioner by three cheques which is mentioned in detail in counter affidavit.

Counsel for the petitioner submits that after taking consideration amount, sale deed has been executed in favour of *Bhainsur* of the informant with respect to the aforesaid land. The copy of sale deed has been enclosed by the petitioner as Annexure-2 and 3.

Counsel for the informant has appeared and submitted that sale deed has not been executed by real landholder but by somebody else. The mutation of land was not done on the basis of aforesaid sale deed.

This Court finds that such disputes can only be looked into in appropriate civil proceeding. Petitioner has civil remedy for the same.

Petitioner is in custody since 8.8.2018.



In the facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. Let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Sub-Judge-XV-cum-Additional Chief Judicial Magistrate, Patna**, in connection with **Phulwarisharif P.S. Case No. 640 of 2016**, subject to the condition that both the bailors shall be close relative of the petitioner.

(Sanjay Priya, J)

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