

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7147 of 2019

Arising Out of PS. Case No.-933 Year-2016 Thana- GAYA COMPLAINT CASE District-
Gaya

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Ramjiwan Singh @ Ramjeevan Singh Son of Late Chhatarpati Singh Resident
of Mohalla - Surajpura, P.S.-Bodh Gaya, District - Gaya, Presently Resident
of Mohalla - Alawalpur, P.S.- Fatuha (Gaurichak), District - Patna

... .. Petitioner

Versus

1. The State of Bihar
2. Parvati Devi Wife of Sri Bharat Mistry R/o Mohalla- Pachhati Bodh Gaya,
P.S- Bodh Gaya , District- Gaya

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Gopal Govind Mishra

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 21-05-2019 Heard learned counsel for the petitioner and learned
counsel for the complainant.

The petitioner seeks bail in connection with
Complaint Case No. 933 of 2016 registered under Sections 406
and 420 of the Indian Penal Code.

It is submitted by the learned counsel for the
petitioner that the petitioner is being prosecuted in the instant
complaint case in which the dispute is purely of civil nature.
The cognizance taken by the learned Magistrate under Sections
406 and 420 of the Indian Penal Code is itself bad. For the same
occurrence, the complainant has instituted an FIR bearing Bodh
Gaya P.S.Case No. 195 of 2016, which has also been registered



under Sections 406 and 420 of the Indian Penal Code. The petitioner is rotting in jail since 26.09.2018. The allegation made in the complaint is that the petitioner had received Rs.13,34,100/- for the purpose of executing sale deed of a piece of land. After receiving the amount, he had executed the sale deed in favour of the complainant on 13.01.2015 itself and the complainant was put in possession. However, when she started construction over the plot, the co-sharer of the petitioner raised objection regarding title of the petitioner. He contended that there is already a partition suit pending between the petitioner and his co-sharer and this fact was brought to the notice of the purchaser right at the beginning.

On the other hand, learned counsel appearing for the complainant submitted that the petitioner has cheated the complainant to the tune of Rs.13,34,100/-. There is already a dispute between the petitioner and his co-sharer and the complainant has not been put in possession over the property in dispute. He contended that the petitioner be directed either to refund the amount or to execute sale deed of some other land of which the title is clear.

Having considered the rival submissions, the petitioner, who is in custody since 26.09.2018, is directed to be



released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Complaint Case No. 933 of 2016, subject to the conditions :

(a) that the petitioner shall attend court in accordance with the conditions of the bond executed;

(b) that the petitioner shall not commit an offence similar to the offence of the present case; and

(c) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(Ashwani Kumar Singh, J)

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