

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8091 of 2019

Arising Out of Case No.-1206 Year-2017 PATNA COMPLAINT CASE District- Patna

SRINARAYAN VIGYAN PRABHAKAR @ NARAYAN BIGYAN
PRABHAKAR Son of Late Yogendra Kumar Verma Resident of Flat No. 104,
Shailja Apartment, P.S.- Matwari Dist. Hazaribagh

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Reeta Rani Sinha Wife of Sanjay Kumar Resident of Patel Nagar (Punpun),
P.S.- Punpun, District -Patna Presently residing at Ramchandra Colony,
Hardaspur (Danapur), P.S.-Rupaspur, District- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shitanshu Shekhar Mishra
For the Opposite Party/s : Mr.Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 13-02-2019 Heard both sides.

The petitioner apprehends his arrest in Complaint case No. 1206 (C)/2017 for the offences allegedly committed by the petitioner under Section 420 of the Indian Penal Code.

The complainant, in sum and substance, alleged that the petitioner sold a piece of land measuring nine decimals and executed sale deed but when the complainant filed case for mutating her name the same was dismissed on the objection of Most. Saroj Devi as Halka Karmchari reported that the land was in possession of Saroj Devi.

The learned counsel for the petitioner submits that there is no dispute with regard to title of the land. The petitioner admitted the execution of sale deed with regard to the land after consideration amount but since some encroacher had made encroachment upon the land, after execution of the sale deed, the petitioner cannot be held responsible for such enroachment



and dismissal of mutation case unless it is alleged that petitioner lacks title over the land with regard to which he executed sale deed in favour of the complainant.

Taking into consideration the facts that complainant did not allege any fact about concealment or misrepresentation about title of the land for which the petitioner executed sale deed but the complainant alleged that mutation case was dismissed on account of objection of Most. Saroj Devi, who was found in possession of the land, the petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/ production of a copy of this order is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Praveen Kumar Malviya, learned Judicial Magistrate, 1st class, Danapur, Patna in connection with Complaint case No. 1206 (C)/2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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