

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13362 of 2019

Arising Out of PS. Case No.-647 Year-2018 Thana- GOPALGANJ TOWN District-
Gopalganj

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GANGDEYAL YADAV @ GANGDEYAL PRASAD Son of late Munar
Yadav @ Munar Prasad Resident of Village - Amwa Nakchhed, P.S.- Nagar,
Distt. Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh, Adv.
Mr.Indrajeet Bhushan, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-03-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 452, 353, 387,323,
420,467,468,469,470,471,506, 120B of the Indian Penal Code.

The prosecution case got initiated on the basis of written
report dated 03.11.2018 submitted by Head Assistant, District
Registration Office, Gopalganj to the Station House
Officer,Gopalganj (Town) Police Station is to the effect that on
03.11.2018 between 1.00 to 3.00 P.M., the petitioner and co-
accused Yogendra Prasad came to the registry office and
pressurized the official for registering a certain piece of land and
they along with 10-12 unknown accused persons not only



created ruckus in the registry office, but also obstructed the officials in discharging their official duties.

It is submitted by learned counsel for the petitioner that the present case has maliciously been lodged by the Head Assistant without disclosing the details of the instrument which was sought to be registered at the behest of accused persons, including the petitioner. The actual fact of the matter is that the wife of the petitioner, Radhika Devi filed a Title Suit being Title Suit No. 236 of 1996 for 13 Katha 14 dhurs of land appertaining to Khata No.112, Survey Plot No.1362 situated at Mauja-Sareya, Thana-Sipah in which Harihar Sah and his son Satyapal Sah along with three sons of Satyapal Sah namely Gyan Prakash Gupta, Mukund Prasad Gupta and Arbind Kumar Gupta were the defendants. The said title suit was decreed vide judgment dated 15.05.2006 in favour of the wife of the petitioner and one Yogendra Pandit. Subsequently, Radhika Devi, the wife of the petitioner and Yogendra Pandit instituted Execution Case No. 15 of 2017 for execution of the decree passed in the aforesaid title suit in their favour. But since the opposite parties were obstructing the disposal of execution proceeding, consequently, Civil Miscellaneous Case No.972 of 2018 was preferred by them which was disposed of by a Bench of this Court vide order



dated 16.08.2018 by directing the Court concerned to dispose of Execution Case No.15 of 2017 preferably within nine months. Consequently, the wife of the petitioner and Yogendra Pandit were being put in possession of the land in question. Thereafter, Yognedra Pandit was in need of some money and hence, the petitioner and Yogendra Pandit decided to sell 2 Katha of land appertaining to Khata No.112, Survey Plot No.1362. Subsequently, they submitted the instrument after depositing the registration fee of Rs.4,50,000/-, by challan, but the registry office in collusion with opposite parties tried to obstruct the registry with regard to the land in question. It is further submitted that the petitioner only sought the reasons to be assigned for non-registration and hence for non-registration without any reason, the present case has been lodged to save their own skin. It is further submitted that similarly situated co-accused Md. Reyaz Ahmad has been granted bail by a Co-ordinate Bench of this Court vide order dated 07.01.2019, passed in Criminal Miscellaneous No. 78169 of 2018. Though a similar case has also been lodged by the defendants with the similar accusation, being Ggopalganj Town P.S. Case No. 648 of 2018. It is further submitted that the petitioner is accused in four other cases but in two of the cases,



the final form has been submitted and in one of the case, he has been acquitted.

It is submitted by learned APP for the State that there is specific accusation in the FIR against the petitioner that he obstructed the officials of the registry office in discharge of official duty.

Considering the fact that the FIR does not stipulate the detail of instrument which was sought to be registered which clouds the *bona fide* of accusation as Section 71 of the Registration Act, 1908 specifically mandates that if any instrument is refused to be registered, then the registering authority has to assign reason for not registering the instrument, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Gopalganj in connection with Gopalganj Town P.S. Case No.647 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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