

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16869 of 2019

Arising Out of PS. Case No.-161 Year-2017 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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RAJ KUMAR SINGH Son of Late Bharat Singh R/o village- Dighi Kala,
P.S.- Hajipur Sadar, District- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Baby Devi Wife of Anil Kumar Shukla R/o village- Kunwari Bujurg, P.S.-
Ganga Bridge, District- Vaishali

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar Singh

For the Opposite Party/s : Mr.Umanath Mishra

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

8 27-08-2019 Heard learned counsel for the petitioner and the

learned A.P.P. for the State as also the learned counsel for the

opposite party no.2.

The petitioner apprehends his arrest in connection
with Complaint Case No.CI-161 of 2017 registered under
Sections 420, 504 and 506 of the Indian Penal Code, pending in
the court of the Additional Chief Judicial Magistrate-XI,
Vaishali at Hajipur.

The accusation is that the petitioner sold 4.52 decimal
land to the opposite party no.2 on 01.08.2013, on taking
consideration amount of Rs.16,00,000/-, out of 15 decimal land
of Plot No.2250 of Khata No.427, situated in village-Dighi



Kala, Hajipur, Vaishali and, on the same day, the petitioner also executed three sale deeds to different persons in respect of the land of same Khata and Plot. After purchasing the aforesaid land, when the opposite party no.2 went on the spot, then the petitioner asked the opposite party no.2 to return from there, saying that he will handover the possession of the land after plotting. On one pretext or the other, the possession of the land was not handed over to the opposite party no.2. Later on, she came to know that the petitioner had share of only 2.5 decimal land in Plot No.2250 and Partition Suit No.1010 of 2013 has also been filed in respect of the land of said plot in which the petitioner is the respondent no.1. Thus, the petitioner cheated the opposite party no.2.

Learned counsel for the petitioner submits that Plot Nos.2251, 2252 and 2250 are in the name of the grandfather of the petitioner and on partition, Plot No.2250 measuring an area of 15 decimal was allotted in the share of the petitioner and Jamabandi was also prepared in this regard in the name of the petitioner, which would appear from Annexure-1 series to the Supplementary Affidavit filed on behalf of the petitioner but after execution of the sale deed in respect of the said land in favour of the opposite party no.2, on the instigation of the



opposite party no.2, one Ashok Kumar Singh filed Partition Suit No.1010 of 2013 in respect to Plot No.2250 without including other two plots, which are ancestral property of the petitioner.

Having considered the facts and the circumstances of the case, the provisional anticipatory bail granted to the petitioner vide order dated 26.03.2019 passed by a Bench of this Court is, hereby, confirmed.

(Rajendra Kumar Mishra, J)

P.S./-

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