

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80505 of 2018

Arising Out of PS. Case No.-3695 Year-2015 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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Visho Yadav @ Bisu Yadav Son of Late Shiv Nandan Yadav resident of
village-Bhelwa, P.S. and District- Saharsa.

... .. Petitioner.

Versus

1. The State Of Bihar.
2. Pinki Devi Wife of Avinash Kumar @ Bablu Resident of Village- Bhelwa,
P.S. and District- Saharsa.

... .. Opposite Parties.

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Appearance :

For the Petitioner	:	Mr. Amarnath Jha, Advocate. Mr. Ranjay Kumar Singh, Advocate.
For the State	:	Mr. Sanjay Kumar Sharma, A.P.P.
For the Opposite Party No.2 :		Mr. Satish Kumar Singh, Advocate. Mr. Dinesh Maharaj, Advocate.

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

ORAL ORDER

5 07-05-2019 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.3695 of 2015 registered under
Sections 341, 342, 323, 354, 467, 468, 420 and 120B of the
Indian Penal Code.

The accusation is that the petitioner agreed to sell two
Katha land of New Plot Nos.804 and 797 of village-Bhelwa to
the opposite party no.2 on consideration amount of
Rs.2,70,000/-. Thereafter, the opposite party no.2 after selling



her jewelry and making some arrangement, paid Rs.2,50,000/- to the petitioner and the petitioner handed over the possession of the same to the opposite no.2. Thereafter, the opposite party no.2 started living after constructing the room over the land. Thereafter, the opposite party no.2, on 16.06.2015, paid Rs.20,000/- to the petitioner in presence of the witnesses and the sale deed was prepared in the Registry Office, in which the petitioner and the witnesses also put their signature but, thereafter, the petitioner left from there. In spite of search, the petitioner could not be traced out and the opposite party no.2 returned to her house. When the panchayat was held, then the petitioner started making demand of Rs.20,000/- more and also asked the opposite party no.2 to pay Rs.2,00,000/-. While the opposite party no.2 gave an application before the District Registrar, Saharsa, but no action was taken.

Learned counsel appearing on behalf of the petitioner submits that no sale deed has been executed by the petitioner and the present case has been lodged on the basis of the fabricated draft of the sale deed. Moreover, the opposite party no.2 has remedy under the Indian Registration Act for proper registry.

Having considered the facts and the circumstances of



the case, the provisional anticipatory bail granted to the petitioner, above named, vide order dated 17.01.2019 passed by a Bench of this Court, in connection with Complaint Case No.3695 of 2015, pending in the court of the Chief Judicial Magistrate, Saharsa, is, hereby, confirmed.

(Rajendra Kumar Mishra, J)

P.S./-

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