

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23992 of 2019

Arising Out of PS. Case No.-3612 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

=====

Sunil Kumar, Son of Ram Ishwar Singh, Resident of Village - Mamrejpur,
P.S.- Nawatpur, Distt.- Patna. The Secretary Ajab Shatru Sahkari Grih Nirman
Samiti, East Lohanipur Prithwiraj Path, P.s.- Lohanipur, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Narendra Kumar Sharma, Son of Late Vidya Sharan Sharma, Resident of
Village - Dehuni, P.S.- Ghoshi, Distt.- Jehanabad.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Advocate

For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 04-07-2019 This is an application for grant of anticipatory bail in

connection with Complaint Case No. 3612C of 2017, disclosing

offences under Sections 467, 468, 120B, & 505 of the Indian

Penal Code.

Prosecution story as per complaint case is that the
complainant's father has got Plot No. 1385 in Khata No. 124,
area 2640 sq. fit from Ajab Shatru Sahkari Grih Nirman Samittee
Eastern Lohanipur, Prithawiraj Path, Patna and the petitioner
who is the present Secretary sold the some part of the land to
other persons in spite of the fact that his father has been allotted
that land.

Submission of the learned counsel for the petitioner is



that no case is made out under Sections 467, 468 of IPC and further submission is that with respect to the same dispute, complainant has filed a title suit no.161 of 2018 before the Sub Judge for declaration of the tile and recovery of possession and since the title suit is pending and the matter is also in the nature of civil dispute.

Heard learned A.P.P. as well as learned counsel for the opposite party no.2 also, who has opposed the prayer for bail by stating that the said plot has been allotted to the father of the petitioner and sold the same to other persons and as such, it is a clear case of cheating against the petitioner.

Having heard both sides, without giving any opinion on the dispute as the matter is pending before the Sub Judge as title suit no. 161 of 2018 for declaration and for recovery of possession, this application is allowed. Provisional bail granted to the petitioner, vide order dated 17.04.2019 shall be confirmed on condition that he is to co-operate in disposal of the title suit pending before the Sub Judge and appear as and when required.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

U		T	
---	--	---	--

