

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24705 of 2019

Arising Out of PS. Case No.-636 Year-2018 Thana- BHABHUA District- Kaimur (Bhabua)

Kush Kumar Singh @ Kush Singh, Son of Late Umesh Prasad, R/o Village-Sheon, P.S.- Bhabua, Distt.- Kaimur (Bhabhua).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manoj Singh, S/o Ram Shankar Singh, village- Auraiya, P.S.- Bhabua, Distt.- Kaimur (Bhabua).

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Randhir Kumar No.1, Advocate.

For the Opposite Party/s : Mr.Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

5 09-09-2019 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Bhabua P.S. Case No. 636 of 2018, registered under Sections 406, 420, 467, 468 and 120(B) of the Indian Penal Code.

The accusation is that complainant-opposite party no. 2 and witnesses, whose names have been detailed in the Complaint petition which is the basis of First Information Report, came in contact with Ram Prakash Singh and Lav Kush Anupam to purchase the land for construction of house. Thereafter, both arranged the meeting of complainant-opposite



party no. 2 with Munna Singh at his residence, where Munna Singh disclosed that he along with Kush Singh (petitioner) and Nitu Devi (wife of petitioner) used to do the business of real Estate. Thereafter, he along with witnesses were accompanied by Munna Singh and Ram Prakesh Singh at the house of petitioner, where petitioner, his wife and two mothers negotiated for selling the land, saying that they used to do business of real estate with Munna Singh and had given power of attorney in favour Munna Singh for selling the land. Accordingly, on negotiation, complainant-opposite party no. 2 became ready to purchase 0.02 decimal land on consideration amount of 3,85,000/-. Thereafter, on 04.07.2017, complainant-opposite party no. 2 went at Registry Office, Bhabua with consideration amount of Rs.3,85,000/-, where all accused were present and the sale deed was executed by Munna Singh in favour of complainant-opposite party no.2 after paying the consideration amount to the Nitu Devi, wife of the petitioner. But the complainant-opposite party no. 2 came to know that the aforesaid land is not in the name of Munna Singh then he approached to the petitioner and his family members then they started to abuse and threatened him for dire consequences.

Learned counsel for the petitioner submits that, in



fact, land in dispute was belonging to petitioner and his other family members. The wife of petitioner filed Title Suit No. 149/2017 (partition) on her behalf and two minor son against the petitioner and his two mothers, in which, both parties have filed compromise petition deciding their shares. In the meantime, Munna Singh on taking advantage of litigation, created forged power of attorney and executed sale deed of land measuring 0.02 decimal in favour of complainant-opposite party no. 2 behind the petitioner and his family members and after knowing the real fact, complainant-opposite party no. 2 filed the present case implicating the petitioner and his family members with false allegation only to give undue pressure. In fact, Munna Singh, who is land *Mafia*, executed the sale deeds to several persons in respect to the land of the petitioner and also got managed to lodged the eight cases against the petitioner but in all cases, petitioner is on bail.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six 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 Chief Judicial



Magistrate, Kaimur at Bhabua, in connection with Bhabua P.S.
Case No. 636 of 2018, subject to the condition as laid down
under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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