

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41909 of 2019**

Arising Out of PS. Case No.-498 Year-2016 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

MANOJ KUMAR @ MANOJ SAH, Son of late Shankar Rai, Resident of
Village - Gopalpur Baluwa , P.S.- Motihari Town, Dist.- East Champaran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Anju Singh, Wife of Sri Rameshwar Prasad, Resident of Village - Gopalpur,
P.S.- Motihari Town, Dist.- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Kumar Dwivedy, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

Mr. Shardanand Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

2/ 11-07-2019

Heard learned counsel for the petitioner and learned

APP for the State as well as counsel for the Opposite Party

No.2.

Petitioner seeks bail in **Trial No.40 of 2018 arising out of Complaint Case No.498 of 2016** instituted for the offence under Section(s) 120-B, 406, 420 Indian Penal Code.

Counsel for the petitioner submits that date of occurrence is 25.02.2013 and complaint has been filed on 06.03.2016 after lapse of three years. Both the parties belong to same ancestor.

It is alleged that petitioner gave proposal to husband of the Complainant to purchase his share of land for consideration money of Rs.1,73,000/-. The Petitioner went to



registry office to execute the deed and after preparation of sale deed husband of the Complainant paid consideration money of Rs.1,73,000/- to the petitioner, but on account of delay in presentation the sale deed on 22.11.2012, the registry could not be done. Both the parties returned back. Thereafter, the petitioner did not execute the sale deed in favour of the Complainant. Thereafter, the Complainant filed a case for compulsory registration and a criminal case against the petitioner. Thereafter, petitioner executed sale deed in favour of the Complainant. The Complainant came in possession of the purchased land. Thereafter, the Complainant received summons from the Court of Sub Judge, 6th, Motihari, and came to know that Partition Suit has been filed with respect to the same land in which the petitioner has appeared and supported the case of the plaintiff.

In this manner, from the allegation in the complaint, it appears that there is bonafide land dispute between the parties.

In the facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Chief Judicial Magistrate,**



Motihari, East Champaran, in connection with **Trial No.40 of 2018 arising out of Complaint Case No.498 of 2016**, subject to the condition that both the bailors shall be close relative of the petitioner.

(Sanjay Priya, J)

J. Alam/-

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

