

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10217 of 2018

Arising Out of PS. Case No.-149 Year-2016 Thana- CHAPRA MUFFASIL District- Saran

Umesh Kumar Singh, son of Late Bishwanath Singh, Resident of Dahiyawa Tola, P.O. Chapra, P.S. Chapra Town, District- Saran, presently residing at Flat No. 303, Ramhari Apartment, Ramkrishna Path North S.K. Puri, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar,
2. Madhukant Giri, Son of Raj Kishore Giri @ Goswami Raj Kishore Giri, Resident of Mohalla- East Dahiyawan, P.S. Chapra Town, District- Saran Chapra.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate.
For the Opposite Party/s : Mr. Arun Kumar Singh -5, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

7 13-02-2019 Heard learned counsel for the petitioner, learned counsel for the informant and the learned A.P.P. for the State.

This application has been filed on behalf of the petitioner, under Section 439(2) of the Code of Criminal Procedure, to cancel the bail bond of opposite party no. 2, Madhukant Giri, in connection with Chapra Muffasil P.S. Case No. 149 of 2016, pending in the court of Chief Judicial Magistrate, Saran at Chapra.

Learned counsel for the petitioner submits that petitioner is the informant of Chapra Muffasil P.S. Case No. 149 of 2016 instituted under Sections 420, 468, 471 and 120(B) of the Indian Penal Code on 08.04.2016 against the opposite party



no. 2 and three others with acquisition that Jamabandi No.171 regarding 12 Katha 17 Dhur lands was created in favour of the family of the informant through Jamabandi No. 228. Out of 12 Katha 17 Dhur lands, one Katha land was sold to Ramchandra Tiwary regarding which Jamabandi No. 1554 was created but remaining 11 Katha 17 Dhur land was shown as Zero by the Halka Karamchari with the conspiracy of the “Bhu-Mafias” including the opposite party no. 2 and others. After lodging the aforesaid case, Opposite Party No. 2 approached before this Court for pre-arrest bail vide Criminal Misc. No. 56949 of 2017 with specific assertion in paragraph 7 of the application that **“petitioner is neither an employee of Block revenue office nor he has grabbed the land nor he has sold or purchased the land nor he is witness of any sale deed in regards of the land in dispute”** and after hearing the aforesaid Criminal Misc. No. 56949 of 2017, opposite party no. 2, Madhukant Giri, was allowed bail under Section 438(2) of the Code of Criminal Procedure with direction that in the event of his arrest or surrender by him within six weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Chapra, District- Saran, in connection with



Chapra Muffasil P.S. Case No. 149 of 2016, while Opposite Party No.2, Madhukant Giri, along with three others has sold two Kathas of land of plot no. 285 of Khata No. 480 on 23.07.2012 in favour of Smt. Anita Devi and opposite party no. 2 also sold one Katha 10 Dhur land of Plot No. 285 of Khata No. 480 on 04.09.2012 in favour of Binod Kumar Singh, which would appear from Annexure 4 series but the same fact was suppressed by opposite party no.2, Madhukant Giri in his bail application. As such, this application be pleased to allow and bail bond of opposite party no. 2 be cancelled.

Learned counsel for the opposite party no. 2 fairly conceded that opposite party no. 2 along with three others has sold land two Kathas of land of plot no. 285 of Khata No. 480 on 23.07.2012 in favour of Smt. Anita Devi and also sold one Katha 10 Dhur land of Plot No. 285 of Khata No. 480 on 04.09.2012 in favour of Binod Kumar Singh but the father of opposite party no. 2, who sworn the affidavit in Criminal Misc. No. 56949 of 2017, was not aware about the aforesaid facts and he has not intentionally suppressed the facts in Criminal Misc. No. 56949 of 2017. As such, opposite party no. 2 seeks unconditional apology for aforesaid mistake.

Admittedly, regarding selling of land in respect of



disputed land through sale deeds was suppressed with specific averments as detailed in paragraph 7 of Criminal Misc. No. 56949 of 2017.

In the aforesaid facts and circumstances, the bail bond of opposite party no. 2, as furnished in the light of order dated 11.12.2017 passed in Criminal Misc. No. 56949 of 2017, stands cancelled. The opposite party no. 2 is directed to surrender before the court below within four weeks and pray for regular bail, which would be considered by the concerned court in accordance with law without being prejudiced by the order of this Court. If the opposite party no. 2 fails to appear before the court below within four weeks, the court below will take appropriate steps for appearance of opposite party no. 2.

Accordingly, this application is disposed of.

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(Rajendra Kumar Mishra, J)

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