

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43482 of 2018

Arising Out of PS. Case No.-528 Year-2015 Thana- SASARAM MUFFSIL District- Rohtas

Uma Shankar Singh, Son of Meghnath Singh, resident of Village- Bhadokhara Police Station- Tilauthu, District- Rohtas. At Present residing at Mohalla- Mohaddiganj, Police Station- Sasaram, District- Rohtas.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Indu Bhushan Dubey, S/o Gauri Shankar Dubey, R/o – Village + P.S. = Nauhatta, District – Rohtas.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramchandra Singh
For the Opposite Party/s : Mr.Sri Anil Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 11-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 406, 420, 467, 468, 471, 384 and 504 of the Indian Penal Code.

The prosecution as per Complaint Case No. 1091 of 2014 filed by Indu Bhushan Dubey which ultimately came to be registered as Sasaram (Muffasil) P.S. Case No. 528 of 2015 under Sections 406, 420, 467, 468, 471, 384 and 504 of the Indian Penal Code. The prosecution case is to the effect that on 11.12.2012 the informant went to see the land situated at Mauza Madaini which belongs to co-accused Premchand Singh and Bhola Singh @ Sudarshan Singh. On 14.12.2012 the accused persons shown a map and khatiyani of the land to the informant.



The total land shown in the map was of eight kathas of which the petitioner agreed to purchase four kathas of land and thereafter, on 26.12.2012, an agreement to sale was executed between co-accused Premchand Singh and Bhola Singh and the informant for 38 decimals of land, consequently, informant paid Rs.40,000/-. On 11.01.2013 on the request of the petitioner, informant also paid Rs.28,000/- to the petitioner and on 12.01.2013 the petitioner gave a receiving slip of Rs.24,000/- saying that Rs.4,000/- has been spent by him. Subsequently, the informant also gave Rs.2,00,000/- to the co-accused persons at the request of the petitioner. On 30.01.2013 the informant went for execution of sale deed in the Registry office but the accused persons did show up, thereafter, on enquiry being made, the informant came to know that the forgery has been committed by the accused persons by showing a forged map and khatiyan of the land.

It is submitted by learned counsel for the petitioner that the agreement was made between the informant and co-accused Premchand Singh and Bhola Singh. The petitioner was not a party to the agreement rather he was also a purchaser. It is further submitted that there is no proof with regard to the payment and all the payments have been made to the vendor and



he was not party to the said agreement. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the informant submits that it was the petitioner who persuaded the informant to purchase the land and the agreement for sale was executed between the vendors, the petitioner and the informant but the petitioner did not give amount of Rs.2,28,000/- which was misappropriated by the petitioner.

It appears that on the joint prayer of the parties, the matter was referred to the Mediation and Reconciliation Centre of the Patna High Court but the report of the Mediator dated 28.02.2019 reflects that the issue could not be reconciled between the parties through the process of mediation.

Considering the accusation arising out of civil nature of dispute the agreement to sell was not made between the petitioner and the informant coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail **on deposit of Rs.60,000/- before the learned Court below which will be subject to the result of the case**, in the event of arrest or surrender before the learned Court below



within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Sasaram, Rohtas in connection with Sasaram (Muffasil) P.S. Case No. 528 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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