

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57423 of 2018

Arising Out of PS. Case No.-54 Year-2018 Thana- GALGALIYA District- Kishanganj

1. Jay Ram Singh, S/o Banwari Singh, R/o Vill.- Bhainsdira, P.S.- Barari, District- Katihar.
2. Manoj Kumar Singh @ V.I.P. S/o Shiv Shankar Mahto, R/o Vill.- Khosidangi, P.S.- Galgaliya, District- Kishanganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bimal Kumar
For O.P. No.2 and 3	:	Mr. Ramesh Kumar Thakur
For State	:	Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

7 09-07-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Galgaliya P.S. Case no. 54 of 2018, registered under Sections 420, 406, 467, 468 and 506 of the Indian Penal Code, pending in the court of Judicial Magistrate, 1st Class, Kishanganj.

The accusation is that informant Ram Babu Singh met with the petitioners, who are father-in-law and son-in-law. The petitioner No.1 Jay Ram Singh asked to informant to purchase the land of nine acres in village-Bhainsdira and the land was also shown by the petitioners. Thereafter, informant



deposited Rs. 28 Lakhs in the account of petitioner No.2 Manoj Kumar Singh. When informant asked to petitioners to execute the sale deed, but petitioners did not take any heed then informant met with original owner of the land Shankar Rai (O.P. No.3), who accepted that he got Rs. 13 Lakhs from the petitioner No.2. Then informant handed over Rs. 15 Lakhs and got executed the sale deed of 3.16 acre. Inspite of much persuasion, the petitioner No.2 did not return Rs.15 Lakhs.

Learned counsel for the petitioners submits that it would appear from the F.I.R. itself that Rs. 28 Lakhs was paid by the informant to the petitioner No.2 to purchase the land and the sale deed was executed by the O.P. No.3 in favour of the informant, but with ulterior motive, the present case has been lodged. Further submission is that the dispute is purely civil in nature.

Having regard to the facts and circumstances of the case, let the above named petitioner No.1, namely, Jay Ram Singh, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four 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 Judicial Magistrate, 1st Class, Kishanganj in



connection with Galgaliya P.S. Case No. 54 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

So far as petitioner No.2 Manoj Kumar Singh @ V.I.P. is concerned, having considered the facts and circumstances of the case and the nature of allegation against the petitioner No.2, I am not inclined to allow the privilege of pre-arrest bail to the petitioner No.2. Accordingly, his prayer for grant of pre-arrest bail stands rejected. The petitioner No.2 is directed to surrender before the trial Court within four weeks and pray for regular bail, which would be considered by the trial Court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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