

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55524 of 2019

Arising Out of PS. Case No.-1746 Year-2017 Thana- GAYA COMPLAINT CASE District-
Gaya

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BASANT YADAV, aged about 61 years, Male, Son of Late Deolal Yadav,
Resident of Village- Kanhil, P.S.- Belaganj, District- Gaya
... Petitioner

Versus

1. The State of Bihar
2. Manish Kumar, S/o Sri Arun Singh, R/o Mohalla- Siddhasthpuri Colony,
Road, No.2, P.S.- Muffasil, District- Gaya. 823003 ... Opposite Parties

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Appearance :

For the Petitioner : Mr. Sunil Kumar Yadav, Adv.
For the Opposite Parties : Mr. Akhileshwar Dayal, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 02-09-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with
Complaint Case No. 1746 of 2017 for the offences alleged under
Sections 120B, 420, 406, 467 and 468 of the Indian Penal Code.

The accusation is that petitioner agreed to sell 82
decimals of land of plot no. 143 (new) of khata no. 48 of village
Alalpur, Pargana Sanaut, P.S. Belaganj, Gaya, to
complainant/opposite party no. 2 on a consideration amount of
Rs.51,00,000/- and, accordingly, agreement to sale was executed
on 04.03.2013 and the complainant/opposite party no. 2 and
Sanjay Kumar paid Rs.4,00,00/- on 04.03.2013, Rs.2,00,00/- on
25.04.2013, Rs.2,00,00/- on 26.06.2013, Rs.1,00,00 on



20.07.2013 and Rs.2,00,000/- on 03.09.2013 through cheques, but, on enquiry complainant/opposite party no. 2 came to know that land has already been sold by the petitioner to others.

Learned counsel appearing for the petitioner submits that in fact out of 82 decimals land, 18.5 decimals land was acquired by the Government and from the remaining land the petitioner has already sold 13 decimals land to complainant/opposite party no. 2 on 18.07.2014 and name of complainant/opposite party no. 2 has already been entered in the revenue record, which is in detail in complaint petition while the complaint petition was filed on 04.11.2017, but, it is not detailed that the petitioner has already executed the sale deed of the land in respect to the money as received by the petitioner and only to give undue pressure to execute the remaining land on same consideration amount, the complainant/opposite party no. 2 has filed the present complaint case.

Learned Additional Public Prosecutor for the State opposes the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Complaint Case No. 1746 of 2017 shall be



released on pre-arrest bail 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, Gaya, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

Shamshad/-

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