

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70787 of 2019

Arising Out of PS. Case No.-2781 Year-2014 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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BRIJ KISHORE SINGH Son of Late Shankar Singh Resident of Village -
Jhajhwa, P.S.- Sidhwaliya, District- Gopalganj

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Kapildeo Thakur Son of Late Ram Sevak Thakur Resident of Village -
Jhajhwa, P.S.- Sidhwaliya, District- Gopalganj

... .. Opposite Party/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 17-12-2019 Heard learned Counsel for the petitioner and the

learned APP for the State as also the learned Counsel for the

informant.

Petitioner apprehends arrest in Complaint No. 2781 of
2014, Tr. No. 1600 of 2019 registered under Section 420 of the IPC.

The allegations made in the complaint are that the
petitioner having no right, title and interest has sold the land which
fell in the share of the complainant.

Counsel for the petitioner submits that primarily
offences are civil in nature and therefore no offence whatsoever is
made out.

Learned Counsel for the informant submits that being
conscious that the land fell in the share of complainant, sale has been
done. As such offence under Section 420 IPC is made out.

Considering the rival submissions this Court is inclined
to accept the submission of Counsel for the petitioner. The prayer for



bail is allowed.

In the event of arrest or surrender before the court below within four weeks from today, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Uday Pratap, Judicial Magistrate, 1st Class, Gopalganj in 2781 of 2014, Tr. No. 1600 of 2019 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also subject to the following conditions:- (I) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner. (ii) That the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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