

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.79280 of 2018

Arising Out of PS. Case No.-195 Year-2016 Thana- BODHGAYA District- Gaya

Ramjiwan Singh @ Ramjeevan Singh Son of Late Chhatarpati Singh,
Resident of Mohalla-Surajpura, Police Station-Bodh Gaya, District-Gaya.
Presently R/O Mohalla-Alawalpur, P.S.- Fatuha Gaurichak, Dist-Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gopal Govind Mishra
For the State	:	Mr. Umesh Lal Verma, A.P.P.
For the Informant	:	Mr. Sharda Nand Mishra
		Mr. Deepak Kumar
		Mr. Dhananjay Kumar Gupta

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 21-02-2019 Heard learned counsel for the petitioner and

learned counsel for the informant as well as learned
Additional Public Prosecutor on behalf of the State.

The petitioner has been in custody since
16.10.2018 in connection with Bodh Gaya P.S. Case No.
195/2016 registered for the offense punishable under
Sections 406/420/34 of the Indian Penal Code.

It appears that the petitioners had engaged
himself in transaction of a property with the informant for
which a sale-deed was duly executed. It further appears
that the said property was the subject-matter of an earlier
partition suit which was fraudulently withdrawn and the



coparceners in league with each other sought to deprive the present petitioner and his other brothers from their respective shares in the suit property which was collusively withdrawn. The petitioner and the informant entered into an agreement and, thereafter, a sale-deed was executed. The consideration amount also exchanged hands through a broker by the name of Arjun Yadav.

Learned counsel for the petitioner submits that soon after the informant came to take possession of the land, the coparceners started raising serious objections and they came to know that, in fact, the earlier withdrawal was a sham document and the share of the present petitioner was being said to have been relinquished in the compromise petition which was not exactly as it had happened. Consequently, the present petitioner along with the brothers filed a fresh partition suit for partition of the properties and delineation of their shares. It was under such circumstances that the sale-deed which had been executed, came to be under a cloud and, thereafter, the informant filed the present case. It is submitted that no sooner the cloud over the said property clears and the said property is allocated in his share, he will ensure that the same is transferred and physical possession be



granted in favour of the purchaser-the informant. He thus submits that there is no element of fraud rather he himself is a victim of a fraud with the other coparcener which he is in the process of remedy.

Considering the bonafide undertaking given by the present petitioner and since the broker has also offered to return the consideration amount which is of no concern to the present petitioner as he has duly accepted that the consideration amount had changed hands and was followed by the execution of the sale-deed, and in view of the accompanying facts and circumstances, 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 learned Judicial Magistrate, 1st Class, Gaya, in connection with Bodh Gaya P.S. Case No. 195/2016.

It is made clear that the present petitioner shall co-operate in all further investigation and take appropriate steps towards honouring the undertaking given before this Court, failing which, it shall be open to the informant to take necessary steps in accordance with



law.

(Anjana Mishra, J)

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