

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.79168 of 2018

Arising Out of PS. Case No.-151 Year-2018 Thana- BAIKUNTHPUR District- Gopalganj

1. Saroj Kumar Mishra S/o Late Paras Mishra, Resident of Village- Pakadi, P.S.-Mohammadpur, District- Gopalganj.
2. Jai Prakash @ Jai Prakash Mishra @ Ranjan Kumar @ Ranjan Kumar Mishra @ Ranjan Mishra, Resident of Village-Pakadi, P.S. Mohammadpur, District-Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Hari Mohan Tripathi
For the Opposite Party/s :	Mr.Sri Anant Kumar
	Mr. Vijay Vardhan Pandey

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 25-01-2019 Heard both sides.

The petitioners apprehend their arrest in Baikunthpur P.S. case No. 151 of 2018 registered under Section 420, 406 of the Indian Penal Code.

The informant alleged that Saroj Kumar Mishra, petitioner No.1, happens to be his own cousin brother-in-law. He came to his house and persuaded him to lease out his property and took him to registry office and fraudulently got a sale deed executed with regard to land of informant and his other co-sharers.

The learned counsel for the petitioners submits that sale deed was executed in presence of Sub Registrar. The informant himself executed the sale deed after receiving consideration amount of Rs. 17 lacs. It is further submitted that if any fraud is committed by the petitioners the proper course is to file suit for setting aside the sale deed. No criminal offence is



made out.

The learned counsel for the informant as well as the learned APP vehemently opposed the prayer and submitted that petitioner No.1 duped and cheated the informant and got a fraudulent sale deed executed without giving any consideration amount. It is further submitted that suit is also filed for cancellation of sale deed.

Having considered the facts that sale deed (Annexure-2) shows that the informant executed the sale deed in favour of petitioner No.1 but informant denied to have executed any sale deed out of his free will and volition, on the fact of it, it appears that the dispute is of civil nature, the petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in connection with Baikunthpur P.S. case No. 151 of 2018 , subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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