

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75507 of 2018

Arising Out of PS. Case No.-385 Year-2018 Thana- GHORASAHAN District- East
Champaran

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Sudhakar Sharma, Son of Late Balbhadra Sharma, Resident of Mohalla- Shri
Krishna Nagar, Hospital Road, P.S.- Motihari Town, District- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ansul, Adv.

For the Opposite Party/s : Mrs. Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 11-01-2019 Heard both sides.

The petitioner apprehends his arrest in Ghorasahan
P.S. Case No. 385/2018, registered for the offences punishable
under Sections 467, 468, 471, 420, 387, 504, 506 and 120(B) of
the Indian Penal Code.

The gist of allegation is that the petitioner claimed
title over the land of Khata No. 211, Khesra No. 242, Area - 08
Kattha and 03 Dhurs by virtue of sale deed executed in favour
of his father Balbhadra Sharma in the year 1965. The informant
alleged that her father-in-law Radhey Shyam Lath purchased the
aforesaid by two sale deed dated 30.05.1956 and 26.04.1962
and came in possession over the land. The land remained in
their possession since then, but Sudhakar Sharma the petitioner



filed Title Suit for declaration of title. Sudhakar Sharma lost the suit in the original as well as first and second appeal, but in order to cheat the real owner as well as vendors, he executed several sale deeds and demanded extortion from the informant.

Mr. Ansul learned counsel appearing on behalf of the petitioner submits that petitioner is an old man. The petitioner did not cheat the informant. At best, the petitioner can be said to have transfer known title to his vendors. If the petitioner has got title by virtue of the judgement passed in Title Suit No. 220/1974 and the second judgment and order passed in Second Appeal No. 479/1993. The informant have got no right to lodge the case as she was not cheated by the petitioner.

On the other hand, Mr. Pramod Kumar Singh learned counsel for the informant submits that the petitioner knowing fully well that he lost the civil litigation and he has got no title over the land in question executed sale deeds in favour of different persons only to cheat the informant and put her in trouble created by the vendors of the petitioners.

It is admitted that the petitioner claimed title over the land by virtue of sale deed said to have been executed in favour of the father of petitioner, but the Title Suit No. 220/1974 filed by the father of petitioner was dismissed. Thereafter Title



Appeal No. 49/24 of 1986 was filed by the petitioner, but the petitioner also lost that title appeal thereafter, the petitioner also preferred Second Appeal 479/1993 and the same is as submitted by the learned counsel for the petitioner was abated and consequently dismissed thereafter. The petitioner knowing full facts that he has no title over the land sold the land to different persons in order to cheat the real owner as well as vendors of the land.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above-named on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail, learned court below shall consider the prayer for regular bail of the petitioner on its own merit without being prejudiced by this order.

(Prabhat Kumar Jha, J)

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