

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11871 of 2020

Arising Out of PS. Case No.-207 Year-2019 Thana- CHAKIA District- East Champaran

Ajeet Kumar Singh @ Ajit Kumar Singh Son of Late Harendra Prasad Singh
Resident of Village - Hansa, P.S.- Barish Nagar, Distt - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Adv.

For the Opposite Party/s : Mr.Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 22-06-2020 Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the informant, through video conferencing.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Chakia P.S. Case No. 207 of 2019, registered under sections 420, 467, 468, 471, 120B and 34 of the Indian Penal Code.

As per allegation in the F.I.R., land which was purchased by a registered sale deed by the wife of the informant is stated to have been sold by the accused persons especially the petitioner herein, in favour of one Ashutosh Kumar Singh.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the F.I.R. are false and concocted. The matter relates to civil dispute between members of the



family which could be evident from the genealogical table enclosed as Annexure-2 to the petition. Referring to the same it is submitted that the mothers of the petitioner herein and the informant happens to be sisters and thus the petitioner and the informant are cousin brothers. It is further submitted that the vendee of the sale deed said to have been executed by the petitioner namely, Ashutosh Kumar Singh is also a distant relative in the branch of Mahendra Narayan Singh. It is submitted that with respect to the property in dispute, a title suit being Title Suit No.199 of 2019 has already been filed by the informant and his wife praying declaration of title and cancellation of sale deed 1.6.2018. The petitioner has no criminal antecedent.

The application for bail has been opposed by learned APP for the State and learned counsel for the informant. It has been submitted by learned counsel for the informant that the land in question was purchased by the wife of the informant by a registered sale deed dated 24.7.2012 and a *jamabandi* was also created in her name. There is no dispute or any confusion with respect to the land of the wife of the informant and it is this land which has been sold by the petitioner to Ashutosh Kumar Singh. Thus there remains no doubt that the petitioner has cheated the



informant and his wife. It is submitted that it is not a case for grant of anticipatory bail.

Having heard learned counsel for the parties and taking into consideration the nature of allegations, the relationship between the parties, pendency of the title suit and the petitioner having no criminal antecedent, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of eight weeks from today and in the event of his arrest or surrender in connection with Chakia P.S. Case No.207 of 2019, he will be enlarged on 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 learned 13th Additional Chief Judicial Magistrate, East Champaran at Motihari subject to the conditions as laid down in section 438 (2) of the Criminal Procedure Code.

In view of the nature of dispute and the nature of allegation, it is directed that in case the petitioner has not already appeared, he shall appear in Title Suit No.199 of 2019. Further he shall cooperate in the instant case.

(Partha Sarthy, J)

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