

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15607 of 2020

Arising Out of PS. Case No.-526 Year-2018 Thana- BHAGWAN BAZAR District- Saran

KUMAR PARMATMA SINGH, aged about 32 years, Male, Son of Late Hari Bhagwan Singh, Resident of Village- Jakhua, P.S.- Revilganj, District- Saran at Chapra.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Satya Prakash, Advocate.

For the Opposite Party : Mr.Ram Naresh Ray, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-07-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 420, 467, 468, 469, 471, 120(B) of the IPC and 138 of the Negotiable Instruments Act.

The prosecution story, in brief, is that on a consideration money of Rs. 9,00,000/- a piece of land measuring an area of 01 Katha 05 Dhurs was executed by co-accused Shiv Kumar Rai to the complainant/informant. But after some time,



he came to know that the same land was not of co-accused Shiv Kumar Rai rather the owner of the same land is Smt. Sushila Srivastava and Smt. Pushpa Srivastava. When he demanded his money back, co-accused Shiv Kumar Rai returned Rs. 5,60,000/- through different cheques to him but the same got bounced in the Bank. The complainant/informant sent legal notices through his Advocate to co-accused Shiv Kumar Rai. The petitioner is said to be an identifier of the said sale deed executed by co-accused Shiv Kumar Rai.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has been made accused in the present case due to mistake of fact. The petitioner is said to be an identifier of the sale deed in question. No wrongful loss or no wrongful gain has been made on the part of the petitioner. The matter relates to the civil dispute.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the Complaint case/F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioner above named, in the event



of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra, in connection with Bhagwan Bazar P.S. Case No. 526 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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