

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84476 of 2019

Arising Out of PS. Case No.-69 Year-2019 Thana- GAURICHAK District- Patna

RAM DAYAL SINGH S/o Ram Das Rai Resident of Mundichak, P.S.-
Gaurichak, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Praveen Kumar
For the Opposite Party/s	:	Mr.Anil Kumar Singh No. 1
For the Informant	:	Mr.Nikhil Kumar Agrawal

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 18-06-2020 Heard both sides through Video Conferencing.

The petitioner apprehends his arrest in Gaurichak P.S.
Case No.69 of 2019 registered under Sections 406, 420, 120B
and 34 of the Indian Penal Code.

The informant, Sushil Kumar Bajaj, alleged that the informant was in need of some land and he came in contact with Ram Dayal Singh. Ram Dayal Singh(the petitioner) sold him Plot Nos.664, 665 and 776 of Khata No.849, area 1 acre 23 decimals. Ram Dayal Singh got an agreement executed and disclosed that the owner of the land is Ganga Paswan. The said deed was executed on 02.11.2010. The land was measured and pillar was fixed but when the informant went on the plot on 29.01.2019 for construction of boundary, the informant found the electric power sub-station was existing on the land and other



persons were also claiming the land to be their own. The informant further alleged that petitioner cheated Rs.23,65,000/-.

The learned counsel for the petitioner submits that petitioner has not cheated any farthing from the informant. The sale deed was genuine. There was an agreement to sell. The informant got all the information about the ownership of the land and Ganga Paswan executed the sale deed in the year 2010 and possession was handed over to the informant in the year 2010 itself. Pillar was also fixed around the boundary of the land after getting the land measured but the informant himself abandoned the land and thereafter if anybody encroached the land, the petitioner is not responsible for such encroachment. If the sale deed executed by Ganga Paswan is forged, the petitioner is liable to return the money.

Mr. Nikhil Kumar Agrawal, learned counsel for the informant as well as the learned A.P.P. for the State vehemently opposed the prayer for anticipatory bail and submitted that similar case is lodged against the petitioner which is pending in the Mediation Centre. It is further submitted that petitioner is in the habit of cheating. The petitioner took money but from perusal of the records, I find that informant got the sale deed registered from Ganga Paswan on 02.11.2010. The informant



himself alleged in the F.I.R. that land was measured and thereafter pillar was fixed around the boundary of the land. Thereafter, informant did not go over the land and when he went to the land on 29.01.2019, he found some power sub-station as well as encroachment on the land for that the Mediator or the owner of the land, who got executed the sale deed in the year 2010, cannot be said to have cheated the informant. Thus, the petitioner deserves anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

Taking into consideration the facts aforesaid, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released 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 A.C.J.M., Patna City, District-Patna in connection with Gaurichak P.S. Case No.69 of 2019(G.R. No.984 of 2019), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

Saurabh/-

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