

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27997 of 2020

Arising Out of PS. Case No.-155 Year-2019 Thana- GUTHANI District- Siwan

AKCHAYAL CHAUDHARY @ ACHHELAL CHAUDHARY @
AKCHAYALAL CHOUDHARY Son of Mundrika Choudhary Resident of
Village- Belor, Police Station- Guthani, District- Siwan.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner : Mr. Raghav Prasad, Advocate
For the State : Mr. Jharkhandi Upadhyay, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 22-02-2021 As prayed for, let the learned counsel for the

petitioner remove the defect(s), as pointed out by the office vide

its notes dated 17.10.2020/18.10.2020 within four weeks of

starting of the Court proceeding in physical mode.

Let the supplementary affidavit filed on behalf of the

petitioner be kept on the record.

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection

with Guthani Police Station Case No.155 of 2019 registered

under Sections 420, 406, 467, 468 and 471 of the Indian Penal

Code.

The accusation is that 10 Dhurs land of Survey Plot



No.1185 of Khata No.280 of village-Belor in the nature of Gair Majurwa Malik was sold by the petitioner and Pramod Choudhary, both sons of Mundrika Choudhary, in favour of Rampyar Bhagat, son of Late Tengar Bhagat of village Belor on 13.02.2008 on receiving consideration amount of Rs.60000/-, while the said land was of Government land and they had not produced any paper issued by the Government regarding their ownership of the said land.

Learned counsel for the petitioner submits that, in fact, the land in question was of Gair Majurwa Malik recorded in the name of Pandit Khdeli Dubey, who settled the said land in favour of Dukhi Ahir, the maternal grandfather of the petitioner, in Fasli 1358 (year 1945). Thereafter, the maternal grandfather of the petitioner was in possession of the said land and, later on, he executed the registered gift deed in favour of the petitioner and his brother on 16.03.1982 but with an ulterior motive, the present case has been lodged. Further submission is that the petitioner is also paying the rent of the said land, which would appear from Annexure-3 to the supplementary affidavit filed on behalf of the petitioner.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his



arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Siwan, in connection with Guthani Police Station Case No.155 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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