

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24606 of 2021

Arising Out of PS. Case No.-1038 Year-2019 Thana- MADHEPURA District- Madhepura

PINTU YADAV @ PINTU KUMAR YADAV Son of - Chandeshwari Yadav
Resident of Village - Surmuha Tola Bhajanpatti, P.S. - Sour Bazar, Dist -
Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sanjeev Kumar Srivastava Son of - Late Lala Shivshankar Prasad Resident
of Mohalla - Lakshmipur ward No. 17, P.S. - Madhepura, Dist - Madhepura.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 25-05-2022 Heard Mr. Chandra Mohan Jha, learned Advocate for
the petitioner and the learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in
connection with Madhepura P.S. Case No. 1038 of 2019 dated
19.12.2019 instituted for the offences under Sections 147, 148,
149, 447, 420, 467, 471, 468, 384 and 386 of the Indian Penal
Code.

The accusation in the FIR is that the land of the
informant which was under his possession for which he was
having definite title, was being attempted to be sold. The
petitioner along with another were found on the land, making
measurement and when prohibited from doing so, the petitioner



is said to have told the clerk of the informant that one Sanjeev Kumar had purchased it from somebody, from whom the petitioner has purchased a plot of land. It was only for the measurement of the purchased land that the petitioner was found on a plot of land which is claimed by the informant.

The FIR further discloses that on further and deeper probe, it came to light that the vendor of the property was one Upendra Yadav, who had sold the land in question to one Deep Narayan Yadav. However, the entire chain of transaction was found missing from the office of the Sub-Registrar and the informant therefore suspects the hands of the local Halka Karamchari, who has gone in collusion with the accused persons including the petitioner.

The learned counsel for the petitioner therefore submits that the accusation is based on claim and counter-claim of the parties. The informant claims to be the owner of the land out of which the petitioner is said to have purchased some part of the said land from one Sanjeev Kumar. Whether Sanjeev Kumar had the right and title to sell the property to the petitioner is a subject matter of investigation. Who sold the property to Sanjeev Kumar also does not appear to be clear from the FIR. Thus, for all practical purposes there are competing



claims of vendors and vendees, which aspect cannot, it has been argued, be decided by a criminal court.

Considering the nature of accusation and the arguments advanced on behalf of the petitioner, he is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in connection with Madhepura P.S. Case No. 1038 of 2019, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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