

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43387 of 2022

Arising Out of PS. Case No.-35 Year-2020 Thana- RUPASPUR District- Patna

1. Shashi Sharma Son of Late Ajay Vishwakarma Resident of Mohalla - Ved Nagar, Rukunpura, P.S.- Rupaspur, District - Patna
2. Aman Kumar Son of Late Ajay Vishwakarma Resident of Mohalla - Ved Nagar, Rukunpura, P.S.- Rupaspur, District - Patna
3. Shubham Kumar Son of Late Ajay Vishwakarma Resident of Mohalla - Ved Nagar, Rukunpura, P.S.- Rupaspur, District - Patna

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parmeshwar Vishwakarma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL ORDER

2 23-11-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners and the learned APP for the State.

Petitioners seek regular bail in connection with Rupaspur P.S. Case No. 35 of 2020 registered for the offences punishable under Sections 323, 471, 468, 420, 504 and 506 of the Indian Penal Code.

As per the prosecution, the informant alleged that these petitioners and other co-accused persons executed a registered sale deed of the alleged land in favour of the informant and duped him of Rs.48,62,000/- in the name of the



said sale deed by showing a government land in their name and transferring the same to the informant by the alleged sale deed.

The main submissions advanced by the learned counsel Mr. Parmeshwar Vishwakarma for the petitioners are that the alleged offences of forgery mentioned in the FIR are not made out in this case as admittedly the disputed sale deed was executed and the main dispute is in respect to the area of the land mentioned in the sale deed and according to the FIR, 600 square feet area of land was proposed to be sold but in actual the said land was found 428.33 square feet only in the title of the sellers and if the said allegation is taken to be true even then the alleged offences of Sections 468 and 420 do not attract in this case and other alleged offences are bailable and the petitioners have been languishing in jail since 15.05.2022.

Learned APP Mr. Ajay Kumar Jha appearing for the State and learned counsel for the informant have vehemently opposed the bail prayer and submitted that the petitioners showed their ownership over 600 square feet area of land regarding which they executed the disputed sale deed but thereafter the officials of the Revenue Department sent an encroachment notice to the informant revealing the informant's possession over Government land which shows that the



petitioners and other co-accused persons showed the Government land to the informant as their own land and thereby duped the informant of huge amount of money in the name of transferring a Government land.

Heard both the sides and perused the FIR. Though the alleged wrong committed by the accused persons including the petitioners may attract an offence punishable under criminal law but such wrong also attracts a civil liability and there is no dispute about the execution of the sale deed in question and the main dispute is in respect to the area of land mentioned in the sale deed and in paragraph Nos. 10 and 11 the statements have been made with regard to the title and ownership of the seller in respect of the dispute land. Considering the nature of allegation and the custody period of the petitioners, in the opinion of this Court a lenient approach can be taken in respect of the petitioners' prayer, let the petitioners be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Rupaspur P.S. Case No. 35 of 2020.

(Shailendra Singh, J.)

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