

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52230 of 2021

Arising Out of PS. Case No.-155 Year-2018 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

=====

BIRENDRA SAH Son of Raghunath Sah Resident of Village - Manikpur, P.S.
and Dist.- Gopalganj, At present, Vill. - Banjariya, P.S. - Kuchaikott, Dist.-
Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raitun Khatun Wife of Subhan Miya Village - Badhuch, P.S.- Kuchaikott,
Dist.- Gopalganj

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Advocate
For the Complainant	:	Mr. Pankaj Kumar Dubey, Advocate
For the State	:	Mr. Ramchandra Singh, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offence punishable under Section 420 of the
Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent.

The complainant alleges that in 2017, she purchased
two Kathas of land from the petitioner as detailed in the
complaint and when she went to take possession, the same was
objected by one Sheela Devi on the ground that she has
purchased the said land from the present petitioner in the year



2013. Thus, the complainant alleges that petitioner cheated her of Rs.1.73 lakhs by selling a land which petitioner had already sold earlier to Sheela Devi.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is submitted by placing reliance on Annexure-4 to the supplementary affidavit to submit that petitioner has purchased 3.9 Kathas of land from her mother Bhulki Devi in the year, 2012 by a registered sale deed (Annexure-4) and thereafter in the year 2013 petitioner sold two Kathas of land to Sheela Devi by a registered sale deed (Annexure-5) and thereafter the left over land was sold to the present complainant in the year 2017 as is evident from Annexure-3 to the supplementary affidavit. Learned counsel submits that the dispute admittedly is civil in nature and, as such, the petitioner be enlarged on anticipatory bail.

Learned counsel for the complainant and learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner. Learned counsel for the complainant submits that when petitioner had got only 3.9 Kathas of land from his mother then how come he sold four Kathas of land. It is submitted that petitioner, as such, has committed cheating either with Sheela



Devi or with the present complainant as he has sold 11 dhurs of land in excess of his entitlement. It is next submitted that if what has been contended by the petitioner is correct then in the sale deed of the present complainant, Sheela Devi ought to have figured in the boundary but that is not the case which further goes to demonstrate that petitioner acted fraudulently and, thus, cheated the complainant of her hard earned money.

At this stage, learned counsel for the petitioner submits that he has instruction from the petitioner to submit that though the dispute is civil in nature but he intends to compromise the case and is willing to pay an amount of Rs.2,00,000/- to the complainant to settle the issue.

Learned counsel for the complainant also, on instruction from the complainant, submits that in the event the petitioner pays Rs.2,00,000/- then she is willing to forgo the land and will not claim the land based on the sale deed no. 7688, dated 20.07.2017 by which she has purchased the present piece of land and will completely support the petitioner in all his endeavours taken in accordance with law.

Considering the submissions made by the learned counsel for the petitioner and the complainant, the petitioner above-named, in the event of his arrest or surrender before the



learned Court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Complaint Case No. 155 of 2018, Tr. No. 2025 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

The bail bonds of the petitioner shall be accepted only after he makes payment as agreed to the complainant and the learned court below is satisfied that the amount stands paid to the complainant.

(Satyavrat Verma, J)

Kundan/-

U		T	
---	--	---	--

