

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13630 of 2023

Arising Out of PS. Case No.-22 Year-2022 Thana- KOCHAS District- Rohtas

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GANESH KUMAR SINHA @ GANESH KUMAR S/O RAMESHWAR LAL
R/v- Panditpura, P.S.- Kochas, and District- Rohtas At present R/v- Kochas,
Ward No. 3, P.S.- Kochas, District- Rohtas

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shekhar Kumar Singh

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

8 21-08-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner has prayed for regular bail in a case
registered for the offence punishable under sections 406, 420,
120(B) of the Indian Penal Code.

3. The prosecution case, in brief, is that the informant
has sold his land to the petitioner Ganesh Kumar Sinha, in this
regard, some cheques were issued by the petitioner in favour of
the informant but the same has bounced. On being asked, the
petitioner refused to give the money to the informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He has
falsely been implicated in this case with mala-fide intention.



The informant stated that he sold the land measuring 55 decimals in favour of the petitioner for consideration amount of Rs. 1,10,00,000/- but the sale deed dt. 14.11.2019 shows that he has sold the land for consideration amount of Rs. 8,25,000/-, there is serious contradiction in FIR and said sale deed which creates doubt on entire prosecution. It is also submitted in respect of six cheques which were bounced due to insufficient fund, on 10.9.2021 the chequebook of the petitioner was lost in the way to Kochas out of which some cheques were signed and some were unsigned which was came in the hand of the information anyhow and he produced the said cheques after taking the advantage. It is further stated that at the time of execution of sale deed, Khata No.5 was written in the place of Khata No.11 due to mistake by which the informant executed a registered deed for correction of Khata No. in favour of the petitioner. As per para 4 & 6 of the supplementary affidavit, it is evident that the Govt. rate for registration has fixed for valuation of Rs. 2,00,000 for commercial, Rs. 1,00,000/- for the industrial, 90,000/- for the residential and 15,000/- for Sinchit Dophsali. Though, the petitioner has purchased the land in question in the year of 2019 but the informant of this case has purchased 30 decimal land to the name of his wife for the



consideration amount of Rs. 4,50,000/-. Moreover, the case is civil in nature for which criminal proceedings has been initiated against the petitioner. The petitioner has got no criminal antecedent and languishing in judicial custody since 27.12.2022.

5. Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Kochas P.S. Case No. 22 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Judge-V-cum-A.C.J.M., Sasaram.

(Sunil Kumar Panwar, J)

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