

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17463 of 2023

Arising Out of PS. Case No.-500 Year-2022 Thana- UCHKAGAON District- Gopalganj

1. Bharat Singh Son Of Late Ramayan Singh Resident Of Village - Trilokpur, P.S.- Uchkagaon, District - Gopalganj.
2. Jeetendra Singh @ Jitendra Kumar @ Jitendra Kumar Yadav Son Of Ramnaresh Prasad Resident Of Village - Jamsari, P.S.- Uchkagaon, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 21-04-2023 Heard Mr. Raghav Prasad, learned counsel appearing on behalf of the petitioner and Mr. Uday Chand Prasad, learned APP appearing on behalf of the State.

2. The petitioner No.1 seeks pre-arrest bail in connection with Uchkagaon P.S. case No. 500 of 2022 registered under Sections 420, 467, 468, 471 and 120(B) of the Indian Penal Code.

3. Learned counsel appearing on behalf of the petitioner informs this Court that during the pendency of the present bail application petitioner no. 2, namely, Jeetendra Singh has already been arrested. He further submitted that he seeks to withdraw the present bail application so far as the petitioner No.2 is concerned. Accordingly, the bail prayer made for on behalf of the petitioner No.2 is not required to be adjusted.



4. Learned counsel appearing on behalf of the petitioner informs this Court that the petitioner No.1 is a purchaser and he has purchased land from the brother/co-sharer of the complainant, namely, Akshay Lal Rawat. The only concern of the petitioner No.1 is that he has already deposited the consideration amount of Rs. 1,13,000/- and got 1 Katha 5 Dhurs of land appertaining to Khata No. 40, Plot No. 271, area 2.79 decimal and Khata No. 119, Plot No. 291, area 1.86 decimal registered in his name. Now, he has realized that vendor has cheated him and he is ready to execute deed of cancellation along with the vendor, namely, Manoj Gaddi.

5. Mr. Vipin Kumar, who has tendered his appearance on behalf of the co-sharers/informant, namely, Akshay Lal Rawat submitted that the complainant/informant has claimed his right over the land in question, which has been sold by his co-sharer to the petitioner on the basis of decree passed in favour of the complainant in Title Suit No. 357 of 2019. He further submits that a Title Suit No. 765 of 2022 is also pending before the Competent Court.

6. Learned counsel submits that the informant has no objection, if the petitioner files an affidavit to withdraw the complaint filed by filing a compromise petition, taking into



consideration that this dispute is purely civil in nature and the same can amicably settled by executing deed of cancellation by the petitioner along with his vendor with respect to the land in question.

7. Considering the nature of allegation and the willingness of the petitioner No.1 that he will file a joint affidavit along with his vendor for cancellation of sale deed in Title Suit No. 765 of 2022 pending before the learned Sub-Judge, Gopalganj. This Court directs the Jail Superintendent, Gopalganj to produce the co-accused namely, Manoj Gaddi of Uchakgaon P.S. Case No. 500 of 2022 for executing cancellation deed. The learned ACJM-IX, Gopalganj will ensure that a joint affidavit is filed in Title Suit No. 765 of 2022 by the parties within one week time.

8. The learned ACJM-IX, Gopalganj upon being satisfied that a joint Affidavit has been filed in Title Suit No. 765 of 2022 then in that case the petitioner No.1 and 2 are directed to be released on anticipatory bail, in the event of their arrest or surrender before the learned Court below within a period of two weeks from communication of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each, to the satisfaction of



learned A.C.J.M.-IX, Gopalganj in connection with Uchkagaon
P.S. Case No. 500 of 2022, subject to the condition as laid down
under Section 438(2) of the Cr.P.C.

9. Accordingly, the present bail application is
disposed of.

(Purnendu Singh, J)

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