

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52769 of 2023

Arising Out of PS. Case No.-1583 Year-2022 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Gauri Pandit @ Gauri Shankar Pandit Son of Narsingh Pandit R/O-Ward No. 10, Jailakha Abhiman, P.S.-BAKHRI, Distt.-Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Khakhri Devi @ Khakhari Devi Wife of Ram Vilash Pandit R/o-Jailakha Abhiman, P.S.-Bakhri, Distt.-Begusarai

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Adv.

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 19-08-2023 Heard Mr. Manoj Kumar Singh, learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Complaint Case No. 1583C of 2022 in which cognizance has been taken under Sections 420, 467, 468 and 471 of the Indian Penal Code.

3. Allegedly, the petitioner executed a sale deed in favour of the complainant on 19.02.2022 with regard to the land in question. However, soon thereafter, he executed another sale deed with regard to the same land in favour of his wife and thereby cheated the complainant.

4. Learned counsel for the petitioner submits that from



the land receipt, it appears that the plot has total area of 3.62 decimal, which is in the name of the petitioner and he executed the sale deed in favour of the complainant with regard to only 1.7 decimal and thereafter remaining 1.92 decimal land has been executed in favour of the co-accused. He next submitted that with regard to the same issue, the complainant has filed a title suit being Title Suit No. 11 of 2018 against the petitioner and only with a view to pressurize him, the present complaint has been filed. That apart, the petitioner is none but the brother-in-law (*Bhaisur*) of the complainant. The petitioner bears no criminal antecedent.

5. On the other hand, learned counsel for the State opposes the bail application. However, he does not refute the contention that the materials available on record suggest a civil dispute.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of accusation which is predominantly civil in nature, apart from the fact that there is a title suit pending between the parties, coupled with the fair antecedent of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from



today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M.1st Class, Begusarai in connection with Complaint Case No. 1583C of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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