

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54789 of 2023

Arising Out of PS. Case No.-109 Year-2022 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Sri Ram Yadav @ Shri Ram Singh S/O Late Began Singh R/O Village-
Dharupur, P.S- Bikramganj, Distt.- Rohtas.

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Gulabo Devi W/O Nandji Singh R/O Village- Dharupur, P.S- Bikramganj,
Distt.- Rohtas.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uma Shankar Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 23-08-2023 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in a complaint
case No. 109 of 2022 registered for the offences punishable
under Sections 406, 420, 120B of the Indian Penal Code.

3. As per the prosecution, the complaint case has been
lodged against 2 persons by the complainant stating therein that
the complainant has given Rs. 12 lac for purchasing of 4 Bighas
of land from accused No.1. It has been further alleged that on
the date of filing this case, the total dues was Rs. 16 lac. When
the money was neither returned nor land was executed, then the
present criminal case has been filed.

4. Counsel for the petitioner submits that petitioner is absolutely innocent and has committed no offence. He submits that the Ikrarnama abul wafa (mortgage by conditional sale) had been executed between the complainant and accused No.1.

5. Counsel further submits that he has annexed Annexure-3 by which it is clear that the said contract was prepared between the complainant and the accused No.1 whereas petitioner is accused No.2. There is no contractual relation between them. Counsel further submits that the only allegation against the petitioner is that he was played the role of mediator between them.

6. Counsel for the petitioner has raised a legal point in this case that after the enactment of Money Lenders Act, 1974, the period of alleged mortgage deed shall end within 7 years and as such, the right to the complainant ended on 25.02.2020 whereas the present case has been filed in 2022. Counsel further submits that antecedent of the petitioner is clean.

7. Learned APP for the State opposes the prayer for bail.

8. In the facts and circumstances., let the above-named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of 6

weeks from today, on furnishing bail bond of ₹30,000/- (thirty thousand) with two sureties of the like amount each to the satisfaction of the learned J.M., 1st Class, Bikramganj, Rohtas in connection with Complaint Case No. 109 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

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