

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60346 of 2023

Arising Out of PS. Case No.-154 Year-2022 Thana- GAYA COMPLAINT CASE District-
Gaya

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Umendra Saw, aged about 66 years (Male), son of late Lalkishore Saw,
resident of village- Baharkurwa Bishunpur, PS- Amas, Distt- Gaya
... .. Petitioner/s

Versus

1. The State of Bihar
2. Satyendra Saw, son of late Lalkishore Saw, resident of village- Baharkurwa
Bishunpur, PS- Amas, Distt- Gaya
... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Sinha, Advocate Mr. Sudhir Kumar Sinha, Advocate
For the State	:	Mr. Kalyan Shankar, APP
For the Opposite Party No.2:	:	Mr. Ajay Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Complaint Case No.154 of 2022 dated 21.03.2022, instituted
under Sections 406, 468, 420, 120-B of the Indian Penal Code.

3. The complainant's case, in brief is that the
complainant is the own brother of the petitioner in whose favour
the father and grand-father had purchased 12 decimal land. The
complainant was born after one year of the said purchase. The
complainant and the petitioner lived jointly for 35 years and
thereafter got separated with mutual agreement in which 05



decimals land was to be given to him but the petitioner never executed the deed for the said land in his favour in spite of the fact that the petitioner agreed for the same in the *panchayati*.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. It is further submitted that from the complaint itself it appears that the nature of dispute between the parties is purely civil. It is further submitted that present criminal case has been lodged only to put pressure on the petitioner to settle the dispute. It is further submitted that it is an admitted fact that at the time of execution of sale deed in favour of the petitioner, the complainant was not born. Lastly, it is submitted that the petitioner has no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Sherghati, Gaya, in Complaint Case No.154 of 2022, subject to the conditions laid down in



Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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