

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60958 of 2023

Arising Out of PS. Case No.-2889 Year-2022 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

-
1. Jalandhar Rai, Son of Late Bishun Rai, Resident of Village- Bankat Tola, Bhithan, P.S.- Muffasil, Distt- East Champaran
 2. Surendra Rai, Son of Late Bishun Rai, Resident of Village- Bankat Tola, Bhithan, P.S.- Muffasil, Distt- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunita Gupta, Wife of Vinay Kumar Gupta, Resident of Village- Chhota Bariyarpur, Hawaii Adda Chowk, Near Home Guard Field, P.S.- Chhatouni, Distt- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mrs. Rashmi Jha, advocate
For the Opposite Party/s :	Mr. Kumar Veerendra Narayan, APP
For Opposite Party No.2 :	Mr. Sanjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 06-12-2023 Heard Mrs. Rashmi Jha, learned counsel appearing on behalf of the petitioners and the learned APP for the State. The opposite party no.2 is represented by Mr. Sanjay Kumar, learned counsel.

2. At the out set, learned counsel for the petitioners submits that during the pendency of the present application, petitioner no.2, namely, **Surendra Rai**, has been arrested and, as such, she is not pressing the bail application on behalf of petitioner no.2, as the same has become infructuous.

3. The petitioner no.1, namely, **Jalandhar Rai**, is



apprehending his arrest in connection with Complaint Case No. 2889 of 2022, in which cognizance has been taken for the offence under Sections 120(B), 420, 465, 471, 506, 468/34 of the Indian Penal Code.

4. Allegation against the petitioner is of executing a Gairmajorua Aam land in favour of the complainant after realizing the consideration amount of Rs.16,50,000/- by hatching a conspiracy with other accused persons.

5. It is submitted on behalf of the petitioner that in fact on account of inadvertence, some different plot numbers have been mentioned at the time of registration of deed. However, subsequently rectification has been made and the original land has been executed in favour of opposite party no.2. She next submits that moreover even if the allegation is taken to be true, *prima facie*, it appears to be civil in nature and the complainant has a remedy available under the civil law.

6. Opposite party no.2 appearing through her advocate submits that now the issue has already been settled between the parties and she has got the land duly executed in her favour by the accused persons, including the petitioner.

7. Regard being had to the submissions made on behalf of the parties and considering the fact that there is no



dispute pending between the parties, let the **petitioner no.1, Jalandhar Rai**, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, East Champaran, Motihari in connection with Complaint Case No. 2889 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

uday/-

U		T	
---	--	---	--

