

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69247 of 2022

Arising Out of PS. Case No.-1903 Year-2019 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Jagat Narayan Rao Son of Late Ramdev Rao R/O Village- Laukariya, P.S.-
Bairiya, District- West Champaran, Presently Residing At Mohalla-
Naurangabagh, Forest Road, Ward No.32, P.S.- Bettiah Town, District- West
Champaran

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sunaina Devi Wife Of Sri Lalan Mukhiya R/O Village- Basantpur, P.S.-
Sathi, District- West Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sharad Kumar Verma, Advocate
For the Complainant	:	Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr. Ajit Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 17-05-2023 Heard Mr. Sharad Kumar Verma, learned Counsel

appearing on behalf of the petitioner and Mr. Ajit Kumar,

learned A.P.P. appearing on behalf of the State.

2. The petitioner seeks pre-arrest bail in connection
with Complaint Case No. 1903-C of 2019 offenses punishable
under Sections 323, 420, 504 of the Indian Penal Code.

3. As per the allegation made in the complaint, the
petitioner has sold and resold the same piece of land to the
complainant. The said land appertaining to Khata No. 14,
Khesra No. 475 Mauza- Hardi, District- West Champaran.

4. Learned counsel appearing on behalf of the



petitioner submits that no forgery made by the petitioner as alleged in the complaint rather the petitioner after accepting the consideration amount has executed the sale deed in favour of the complainant.

5. Mr. Bimlesh Kumar Pandey, learned counsel appearing on behalf of the complainant submits that earlier the petitioner has sold the same land to the complainant which was already sold two days prior to the sale deed in question in favour of one Sunil Kumar and petitioner is not ready to cancel the sale deed either of the complainant or one Sunil Kumar within the time prescribed under the Indian Registration Act, 1908 by the Registrar or by Inspector General, Registration. The complainant was forced to lodge the complaint against the petitioner. Learned counsel further submits that the statement made in the paragraph No.3 of the bail application is incorrect.

6. Learned APP appearing on behalf of the State has supported the submission made by the informant.

7. Having considered the rival submissions made by the parties, there is remedy under the Act before the Civil Court for cancellation of sale deed. However, in the present case the petitioner has fraudulently executed subsequent sale deed with respect to the same piece of land which was already sold to one



Sunil Kumar. The petitioner is directed to file a detailed affidavit along with regular bail application before the Court below bringing on record all the sale deeds which he executed as well as the number of case pending against him within a period of six weeks.

8. In the meantime, no coercive step shall be taken against the petitioner in connection with Complaint Case No. 1903-C of 2019 pending in Court of learned Judicial Magistrate, 1st Class, Bettiah, West Champaran.

9. If the Court below is satisfied that no forgery has been committed by the petitioner then in that case petitioner is directed to be released on pre-arrest bail on such terms and conditions as the Court below deems it fit and proper and subject to the condition laid down under Section 482(2) Cr.P.C.

10. Accordingly, the present bail application stands disposed of.

(Purnendu Singh, J)

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