

IN THE HIGH COURT OF JHARKHAND AT RANCHI

B.A. No. 4068 of 2020

Rajesh Kumar Singh

....**Petitioner**

Versus

The State of Jharkhand.

.....**Opposite Party**

Coram: HON'BLE MR JUSTICE RONGON MUKHOPADHYAY

For the Petitioner : Mr. Anil Kumar, Sr. Advocate

For the State : Mr. Shiv Shankar Kumar, A.P.P.

For the Informant : Mr. Pran Pranay, Advocate

03/31.07.2020 Heard the parties.

So far as defect no. 9 (ii) is concerned, learned counsel for the petitioner undertakes to remove the same once the situation normalizes. As regards the rest defects are concerned, same are ignored.

The petitioner is an accused in connection with Chas P.S. Case No. 123 of 2018.

The informant and his uncle Ramjee Singh had jointly purchased 20 $\frac{3}{4}$ decimals of land in Chira Chas. After the death of Ramjee Singh, his legal heirs were made shareholders in the property. The petitioner being one of the legal heirs had expressed a desire to develop the land. The wife of the informant was made a partner and a development agreement was also entered into for construction of a multi storied building. After the deed of partnership was entered into, general power of attorney was taken from all the share holders. It has been alleged that the petitioner did not show the income and expenditure and deposited the income from selling of flats in his account. It has further been alleged that the petitioner continued to receive wrongful gain although one of the shareholders had died and the power of attorney was automatically revoked.

Mr. Anil Kumar, learned senior counsel for the petitioner, has submitted that the petitioner has also filed a complaint case against the informant, in which cognizance has been taken under sections 323, 341, 386/448 of the Indian Penal Code. Learned senior counsel further submits that perusal of the FIR would indicate that it is purely a civil dispute. Infact, one Jay Sinha has also filed a suit claiming title over the land in question in the year 2013 itself. It has also been submitted that the petitioner is in custody since 13.5.2020.

Mr. Pran Pranay, learned counsel for the informant, on the other hand has stated that in spite of death of one of the legal heirs namely Laljhari Devi, the petitioner continued to exercise control over the business even though the power of attorney of Laljhari Devi was automatically revoked. It has further been stated that the petitioner has gained huge amount and has also opened a

fake bank account and infact the informant was not given his share. Learned counsel therefore submits that the act of the petitioner does not entail grant of bail to the petitioner.

On consideration of the allegations levelled in the FIR as well as the arguments advanced by the respective sides, the dispute appears to be with respect to the consequence of the development agreement and the sale of flats and shops and it has been claimed by the learned counsel for the informant that the informant has not got his share. Infact, learned senior counsel for the petitioner has also stressed upon an agreement which was entered into, in which the informant has relinquished his right with respect to the land in question.

Be that as it may, since the entire dispute appears to involve civil consequences and taking into consideration the fact that the petitioner is in custody since 13.05.2020, the petitioner, named above, is directed to be released on bail, on furnishing bail bond of Rs.10,000/- (Ten thousand only), with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bokaro in connection with Chas P.S. Case No. 123 of 2018.

(Rongon Mukhopadhyay, J)

Rakesh/-