

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13977 of 2015

Arising Out of PS.Case No. -234 Year- 2013 Thana -AURANGABAD COMPLAINT CASE
District- AURANGABAD

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1. Gyan Prakash Mohta
 2. Manmohan Mohta@ Mahendra Mohta@ Mahendra kumar Mohta Both sons of Late Om prakash Mohta.
 3. Paramnabh Mohta@ Padmanabh Mohta Son of Manmohan Mohta@ Mahendra Kumar Mohta.
 4. Ganga Devi@ Gangaa Devi Mohta@ Ganga Devi Mohta wife of Late Om prakash Mohta. All resident of Mohta House 29, Strand Raod, Kolkata (West Bengal). Petitioners

Versus

1. The State of Bihar.
 2. Sarju Singh S/o Late Shiv Ratan Singh resident of Prayag Bigh, Dalmiya Nagar, Poice Station Dehri on Sone, District Rohtas, At present resident of Barun English , Police Station Barun, District Aurnagabad. Opposite Parties
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Appearance :

For the Petitioner/s : Mr. Viveka Nand singh, Advocate
For the Opposite Party/s : Mr. Hirday Pd. Singh(App)

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

3 03-07-2015 Heard the petitioners, State and the informant.

Petitioners apprehend their arrest in a complaint case registered under sections 417,418,465,406,341,323,504/34 IPC.

As per prosecution case, opposite party no. 2 paid Rs. 9,59,650/- as earnest money to Om Prakash Mohta and Hari Prakash Mohta on 14.7.1982 for purchase a land in village English, Police Station Barun, district Aurangabad. Further in 1992, 2nd agreement had also been made for aforesaid transaction. It is alleged that no sale deed was executed in the matter as the lands in question were engaged in ceiling

proceeding.

The petitioners submit that the allegation is of civil nature and as the agreements of 1982 and 1992 had been signed by Late Hari Prakash Mohta and they are heirs of Late Om Prakash Mohta, they are not aware of the said transactions.

In the facts and circumstances of the case, let all the four petitioners as mentioned above be released on bail in the event of arrest/surrender, on furnishing bail bond of Rs.5,000/- each with two sureties of the like amount each to the satisfaction of Sri S.K.Mishra, Judicial Magistrate, 1st Class, Aurangabad in Complaint case no. 234 of 2013.

Petitioners no. 1 and 2 would not physically absent for three consecutive dates at a stretch till three witnesses are examined in the trial.

(Samarendra Pratap Singh, J)

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