

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9255 of 2015

Arising Out of PS.Case No. -1004 Year- 2014 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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1. Birendra Kumar Thakur Son of Late Krishnadeo Thakur,
2. Mostt. Meera Devi Wife of Late Vijay Kumar Thakur Both resident of
Purani Bazar, P.S. Town, District- Muzaffarpur

.... Petitioners

Versus

1. The State of Bihar null null
2. Smt. Janki Devi W/o Sri Suchindra Sharma, resident of village- Narhar
Sarai, P.S. Karja, District Muzaffarpur

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Vikas Mohan

For the Opposite Party/s : Mr. Rina Sinha(App)

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CORAM: HON'BLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 09-07-2015 Heard learned counsel for the petitioners and learned
counsel for the State.

In this application, the petitioners apprehend their
arrest in Complaint Case No. 1004 of 2014, Trial No. 4908 of
2015 for the offences punishable under Sections 420, 467, 468 and
471 of the IPC.



Allegedly the petitioners executed registered sale-deed in favour of the complainant after receiving consideration amount of Rs. 8,75,000/- (Rs. Eight lac and seventy five thousand only) after showing a paper of 'Laddavi' executed by Mukund Murari Thakur stating that the land in question was wrongly recorded in the name of Mukund Murari Thakur, whereas, the original land lords are Vijay Kumar Thakur and Birendra Thakur. Further in 'Ladavi', it was mentioned that Virendra Thakur and Vijay Kumar Thakur have right to sell the land but mutation was not allowed by Anchal Adhikari and then legal notice was sent to the petitioners to return the consideration money but he did not pay any heed and then the complainant filed Title Suit No. 793 of 2013, where Mukund Murari Thakur appeared and filed his written statement denying the execution of 'Ladvi deed in favour of the petitioners.

Submission is that Mukund Murari Thakur has executed 'Ladavi' that the land in question was of the petitioners and they have executed the sale deed rightly and the complainant after knowing every thing that the land in question was recorded in the name of mukund Murari Thakur in survey operation, purchased the land. Title suit is going on and as such the dispute being purely of civil nature, the petitioners deserve sympathetic consideration, to which the learned A.P.P. duly assisted by the

learned counsel for the complainant, opposes the prayer of pre arrest bail by submitting that by producing fake document, huge amount has been taken away by the petitioners after executing the sale deed of the land for which they are not entitled.

In the facts and circumstances stated above, considering that after knowing every thing, the complainant got executed the sale deed and paid the consideration amount and as title suit is going on and as such the petitioner in case of their surrender or arrest within one month from the date of receipt or production of the order they shall be released on bail on execution of bail bonds of Rs 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Complaint Case No. 1004 of 2014, Tr. No. 4908 of 2015 subject to the conditions as laid down in Section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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