

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13396 of 2015

Arising Out of PS.Case No. -26 Year- 2014 Thana -BHAGWAN BAZAR District- SARAN

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1. Ashok Kumar Rai S/o Late Jai Narain Rai
 2. Pintu Kumar Yadav
 3. Vikash Kumar Rai@Vikas Kumar 2 & 3 are sons of S/o Ashok kuma Rai
 4. Sanpati Devi W/o Ashok kumar Rai
 5. Mukesh kumar S/o Kaushal kishore Pd All are R/o Village -Shyam Chak, P.s.- Bhagwan Bazar, District- Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ganjendra Kumar Singh

For the Opposite Party/s : Mr. Mukesh Kr. Singh (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 02-07-2015 Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case instituted under Sections 467, 468, 471,406,420 and 120B of the Indian Penal Code.

The typed report of informant discloses that Ashok Kr. Rai being friend of his father and both being posted in police together at two places were well acquainted with each other and accused Ashok Kr.Rai stated his father that he and Mukesh Kr. Alias Kaushal Kishore Pd. Have purchased a land at Shyamchak from one Radha Mahto, to which he wanted to sell and if he wants to purchase, he is ready to sell him. The informant's father became



ready and two sale deeds one in the name of his mother Sharda Devi and the other in the name of his maternal brother Alok Kr. Singh were executed by Ashok Kr. Rai and Mukesh Kr. Alias Kaushal Kishore Pd. After taking consideration money of Rs. Ten lacs. When the informant party went to PO land for measurement, accused Ashok Kumar Rai did not come on false pretext even after giving assurance to remain present and there they came to know that the land lord Radha Mohan Mahto had already sold said piece of land to one Sheopujan Sah of Village Umdha and he had no right to sell the same to Ashok Kr.Rai or Mukesh Kr. And, as such, they along with other accused who were present in negotiation and taking money have committed offence of forgery with the informant.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. It is further submitted that the present case is nothing but out and out a civil dispute. It is also submitted that the petitioners are ready to deposit an amount of Rs. 2 lacs in the court below, which shall be subject to final disposal of the case.

On behalf of the State, it has been submitted that the petitioners are named in the FIR.

Considering the fact that petitioners are directed to

deposit an amount of Rs. 2 lacs in the court below, which shall be subject to final disposal of the case, and on doing so, the above named petitioners, in the event of their arrest or surrender in the court below within a period of four weeks, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand)each with two sureties of the like amount each to the satisfaction of learned C.J.M.,Saran at Chapra, in connection with Bhagwan Bazar P.S.Case No.26/2014, subject to the conditions as laid down u/s 438(2) Cr.P.C.

(Sudhir Singh, J)

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