

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20670 of 2015

Arising out of PS.Case No. -22 Year- 2015 Thana -MOTIHARI TOWN District- EAST
CHAMPARAN(MOTIHARI)

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1. Kripaljee Vishwakarma, Son of late Banarsi Mistri.
 2. Most. Sunarpati Kuer@Sunarpati Kunwar, wife of Late Banarasi Mistri. Both residents of Mohalla- Janpul Chowk, Ward No. 2, P.s Motihari, town District East Champaran.
 3. Sheo Thakur, son of Late Amar Thakur.
 4. Lalmati Devi, wife of Sheo Thakur.
 5. Ram Parvesh Thakur, son of Shoe Thakur.
 6. Rani Devi, wife of Ram Pravesh Thakur.
 7. Akaloo Thakur, son of Shankar Thakur.
 8. Reena Devi, wife of Akaloo Thakur. Petitioner nos. 3 to 8 are residents of Village- Samada, Bheriyahi, P.S Chiraiya, Dist- East Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Madhurendra Kumar, Advocate.

For the Opposite Party : Mr. Gajendra Pd.Yadav(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-07-2015 The petitioners are apprehending their arrest in connection with Motihari Town P.S. Case No. 22 of 2015, arising out of Complaint Case No. C-2690 of 2014 for the offences instituted under Sections 420, 406, 467, 468 and 471/34 of the Indian Penal Code.

Heard learned counsel for the petitioners and the State.

The prosecution story, in brief, is that on the request of Sunarpati Devi, the informant gave her Rs. 12 Lacs with contract



to get sell of her land and accordingly registered Mahadanama was executed on 15.01.2013 for total consideration money of Rs. 20 lacs and Rs. 12 lacs has been paid on that day and the remaining amount of Rs. 8 lacs has already been paid in different dates after Mahadanama to her. It is further stated that after death of elder son of Sunarpati Devi some adjournment so occurred in registration of sale deed. Lastly, they refused to transfer her land to him nor they returned his amount so taken from him.

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 a purely civil dispute and the same can not be resolved in the criminal prosecution case. It is further submitted that petitioner nos. 1 and 2, namely, Kripaljee Vishwakarma and Most. Sunarpati Kuer @ Sunarpati Kunwar are ready to deposit amount Rs. 25,000/- each 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 F.I.R.

Considering the same, the petitioner nos. 1 and 2, namely, Kripaljee Vishwakarma and Most. Sunarpati Kuer @ Sunarpati Kunwar are directed to deposit amount of Rs. 25,000/- each in the court below which shall be subject to final disposal of the present

case and on doing so, let the above named, petitioners, be released on bail in the event of their arrest or surrender before the learned court below within a period of four weeks from today in connection with Motihari Town P.S. Case No. 22 of 2015, arising out of Complaint Case No. C-2690 of 2014, on furnishing bail bond of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., East Champaran at Motihari, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

(Sudhir Singh, J)

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