

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27873 of 2015

Arising out of PS.Case No. -110 Year- 2014 Thana -GOVINDGANJ District- EAST
CHAMPARAN(MOTIHARI)

1. Kishundeo Yadav @ Kishun Yadav, Son of Late Ram Naresh Yadav.
2. Ekbali Yadav, Son of Kishundeo Yadav.
3. Munna Yadav, Son of Kishundeo Yadav. All residents of village -
Majhariya, Police Station - Malahi, District - East Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Manoj Kumar Singh, Advocate.
For the Opposite Party : Mr. Smt. Renu Kumari(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-07-2015 The petitioners are apprehending their arrest in connection
with Govindganj P.S. Case No. 110/2014 for the offences
instituted under Sections 420, 467, 468, 471 and 120(B) of the
IPC.

Heard learned counsel for the petitioners and learned
counsel for the State.

The prosecution story, in brief, is that the land
appertains to Khata No. 2, Plot No. 3517, m/a 121-16-04 is
registered in R.S. Khatian as G.M. land. It is owner was Bettiah
Estate. After vesting of Jamindari, it was vested into Bihar
Government. After that the land m/a 42 decimals i.e., 13.03.2018

was settled to one Arjun Prasad Shahi through Bandovasti Case No. 29 of 1963-64. After settlement, Arjun Prasad Sahi came in possession thereof, and out of which on 02.11.1999 he sold on 01.10.2000 to Bitandi Yadav through a registered sale deed and after receipt of consideration money, he delivered the possession to the vendee and J.B. No. 1642 was created in the name of Bitandi Yadav. Out of which on 04.01.2008 said Bitandi sold his land 0.1.9.00 through registered sale deed to the informant and after receipt of consideration money he too delivered the possession and after mutation, the informant has been paying rent and receiving R/R. Meanwhile, a proceeding U/S 144 Cr. P.C., was initiated in between Bitandi Yadav and petitioner/ Kishundeo Prasad Yadav vide Case No. 73(M)/2004, in which on 15.04.2004 the order was passed in favour of Bitandi Yadav. Later on, this proceeding was converted into 145 Cr. P.C. proceeding, vide Case No. 1239(M)/2008 in which after hearing both the parties and perusing the papers filed on behalf of both the parties, in which the petitioners filed a forged correction Khatian, Rent Receipt Map receipt for J.B. No. 357 for an area 8.9.02 dated 19.03.2013, the learned S.D.M. Areraj, decided the case in favour of petitioner/Kishundeo Yadav on 09.04.2013, whereas the said receipt was found to be forged during the pendency of proceeding



under Section 144 Cr. P.C. in Case No. 370(M)/04, in which the learned S.D.M., Areraj, has mentioned that the J.B. NO. 39 of Mauja Maharia seems suspicious in which after cutting J.B. NO. 357 name of Raghunath Pd. Kishundeo Yadav has been mentioned. In this regard, a report was called for from the Manager, Bettiah Raj, who sent the report vide his letter no. 158 that J.B. No. 357 No. 357 is not mentioned in the name of Ram Naresh Yadav. In this way, the petitioners have obtained order in proceeding under Section 144 Cr. P.C. by producing forged papers.

It has been submitted on behalf of the petitioners that the dispute between the parties is of civil nature. It is further submitted that the petitioners have falsely been implicated in the present case due to mistake of fact. The petitioners are bonafide owner of the land.

On behalf of the State it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on bail in the event of their arrest or surrender before the learned court below within a period of six weeks from today in connection with Govindganj P.S. Case No. 110/2014 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 SDJM, Sadar Motihari, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)