

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33015 of 2015

Arising Out of PS.Case No. -267 Year- 2014 Thana -MADHEPURA COMPALINT CASE District-
MADHEPURA

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1. Md. Shamim Son of late Sekh Saiamat
2. Bibi Musarat W/o Md. Niyaj
3. Bibi Najarain W/o Maj
4. Bibi Anjoom Aara @ Anjum Ara W/o Aiajaj @Riaz
5. Md. Aiyaj @Riaz Son of Md. Shamim
6. Md. Niyaj Son of Md. Shamim
7. Md. Maj Son of Md. shamim
All are residents of Village- Bishanpur, Sundar, P.S. Kumarkhand District
Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar null null

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar

For the Opposite Party/s : Mr. S.D.Singh Yadav(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 21-08-2015 Heard learned counsel for the petitioners, complainant
and learned counsel for the State.

The petitioners apprehend their arrest in connection
with Complaint Case No. 267 of 2014 registered for the offences
punishable under Sections 420and other Sections of the Indian
Penal Code.

Learned counsel for the petitioners submits that in the
present complaint petition, the complainant has asserted that she
had purchased 17 decimals of land from one Bibi Basila through
registered sale deed dated 02.04.2008. It is alleged that though she



was in possession of the said land but in the flood of 2008, the land was filled with water, except one katha of land on which the petitioner and one Md. Shamim used to reside but when later on the complainant wanted the land to be vacated then petitioner, namely, Md. Shamim got forged homestead parcha in the name of his three daughters-in-law and further got created Jamabandi in the name of their daughters through Basgit Parcha Case No. 54/2007-2008. It has been alleged in the complaint petition that the said parchas were prepared in collusion with the then Karmchari, the Circle Inspector and the Circle Officer and it was on the said basis, the present petitioners were continuing to reside. The matter traversed through the Court of D.C.L.R. to the Commissioner and both the Court held that the complainant had no right. Thereafter, the complainant has filed a Title Suit for confirmation of title and possession over the said land, which is pending till date. However, during the pendency of the said case, the complainant has filed the present criminal case making allegation against the petitioners, which are wholly misconceived.

Considering the aforesaid submissions and the nature of allegation made in the complaint and also the fact that two criminal cases have already held against the complainant and that the petitioners' role has been found to be clean, let the petitioners

above named, in the event of their arrest or surrender before the court below within a period of three weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate, Madhepura in connection with Complaint Case No. 267 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C..

(Anjana Mishra, J)

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