

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38222 of 2015

Arising Out of PS.Case No. -191 Year- 2015 Thana -MUZAFFARPUR SADAR District-
MUZAFFARPUR

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1. Shambhu Chaudhary S/o Late Sita Ram Chaudhary.
2. Binod Kumar Chaudhary @ Vinod Chaudhary S/o Sri Shyam Nandan Chaudhary.
3. Pramod Chaudhary S/o Sri Chandrika Chaudhary. All R/o Village-Dighra Rampur Sah, P.S. Sadar, Distt- Muzaffarpur..... Petitioner/s
Versus

1. The State of Bihar.
2. Dr. Nand Kishore Pd. Singh S/o Late Vidyapati Singh, R/o Mohalla-Uttardah, Kachhi Pakki Road, P.S. Sadar, Distt- Muzaffarpur.
..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Verma
For the Opposite Party/s : Mr. Nirmala Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

3 05-11-2015 Heard both sides.

The petitioners apprehend their arrest in a case under Section 120B, 420, 406, 467, 468 and 471 of the Indian Penal Code.

Dr. Nand Kishore Prasad Singh, the complainant, alleged that he paid Rs. 11 lacs through cheques to accused No.1 and accused No.1 executed the deed of sale in presence of accused No.2, Ranjeet Pandey and accused No.3, Amarjeet Pandey but when complainant went for mutation it transpired that accused No.1 sold the land to other person. On the basis of said complaint petition the present FIR is lodged.

It is submitted that there is no allegation against the

petitioners in the entire case. Vishwanath Pandey, accused No.1, filed complaint case No. 631 of 2015 against Dr. Nand Kishore Prasad Singh in which the petitioners are arrayed as witnesses and that is why the petitioners have falsely been implicated in the case.

Learned Additional Public Prosecutor did not dispute the facts.

Having considered the fact that the informant has not made any sort of allegation in the entire complaint petition against the petitioners, the money was taken by Vishwanath Pandey, who executed sale deed for 1 acre and 51 decimals of land in presence of Ranjeet Pandey and Amarjeet Pandey, the above named petitioners, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in Sadar P.S. Case No. 191 of 2015 (Complaint case No. 675/2015), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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