

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32959 of 2015

Arising Out of PS.Case No. -2492 Year- 2014 Thana -COMPLAINT CASE District- ARRARIA

=====

Yugeshwar Mandal Son of Late Kharkattu Das, Resident of Village -
Palasmani, Police Station - Sikty in the district of Araria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Gayanand Mandal Son of Late Sundar Lal Mandal R/o Vill. - Palasi,
P.S. - Sikti, District - Araria.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Raj Kumar

For the Opposite Party/s : Mr. Smt.Pushpa Sinha (App)

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 17-08-2015 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in
Complaint Case no.2492C/14 for the offence under Section 420/34
of the I.P.C.

The learned counsel for the petitioner submits that
the complainant has alleged that the death certificate of the father
of the petitioner produced by the petitioner is a sham document
having been prepared only to defeat his right which is acquired by
the sale deed by the father of the petitioner 1964. He further
submits that Title Suit No.116/11 is pending between the parties
and, if at all, the sale occurred after the date stated in the death

certificate the said plea can be so taken before the competent court of civil jurisdiction where the title suit is pending in which the complainant is already agitating the matter for declaration of title and recovery of possession of the land purported to have been purchased by him.

Considering the peculiar nature of case and that civil case is already pending between the parties, let the petitioner, above named, in the event of his arrest or surrender before the court below within three weeks from today be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each the satisfaction of Sri S.Singh, J.M., 1st Class, Araria, in Complaint Case No.2492C/14 subject to the conditions as laid down under Section 438(2).

(Anjana Mishra, J)

AnilKrSinha/-

U		T	
---	--	---	--