

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40469 of 2014

Arising Out of PS.Case No. -76 Year- 2013 Thana -COMPLAINT CASE District- SHEOHAR

- =====
1. Manoj Upadhyay Son of Sachindra Upadhyay
 2. Ravi Shankar Singh son of Maesh Singh
 3. Harendra Kumar Singh Son of Late Ramadhar Singh All Resident of Village-Mahuariya, P.S.-Sheohar, District-Sheohar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar
For the Opposite Party/s : Mr. Ahmad Ali(App)

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**
ORAL ORDER

2 26-03-2015 Heard both sides.

The petitioners apprehend their arrest in Complaint Case No. C-1/76 of 2013 under sections 467 and 120(B) of the Indian Penal Code.

The gist of the allegation is that Sonu Kumar Singh alias Sonu Kumar, one of the coparceners, after hatching up conspiracy with the petitioner, sold the piece of land with regard to which there is an injunction passed by the competent civil court in Title Suit No. 80 of 2007.

It is submitted that petitioner no.1 is the purchaser and

petitioner nos. 2 and 3 are the identifier on the sale deed. They have no knowledge about the order of injunction passed by the civil court in Title Suit No. 80 of 2007.

On the other hand, learned counsel for the complainant submits that the vendor has already sold his share and by executing the sale deed, he sold the land in favour of petitioner no.1 beyond his share.

Be that as it may, it appears that the dispute is of civil nature and Title Suit is still pending. If the vendor sold his land beyond his share, the purchaser would get nothing.

Considering the aforesaid facts, it is directed that in the event of arrest or surrender in the court below within four weeks from the date of receipt/production of a copy of this order, the above named petitioners shall be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand)each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Sheohar, in connection with Complaint Case No. C-1/76 of 2013, subject to the conditions as laid down under section 438(2) Cr.P.C.

B.Roy/-

(Prabhat Kumar Jha, J)

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