

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30433 of 2014

Arising Out of PS.Case No. -1811 Year- 2013 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

1. Md. Asgar Son of Warsali Mian
2. Md. Nizamuddin Son of Jamal Mian Both are resident of village- Mauwa
Toli, P.S.- Pirpainti, District- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Asha Devi, W/o Srikrishna Pandey, R/oChandpur, P.S. Pirpainti, Dis-
Bhagalpur.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subodh Prasad
For the Opposite Party/s : Mr. Bharat Bhushan(App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 23-03-2015 Heard both sides.

The complainant alleged that she purchased the land of
Khata No. 61, Khesra No. 411, area 29 decimals on 15-5-1996
from Md. Ashgar, after paying the consideration amount of
Rs.2000/-, but when she filed Miscellaneous Case No. 5 of 2013,
she came to know that the aforesaid land was acquired by the
Government of Bihar, and the award was made in the year 1990,

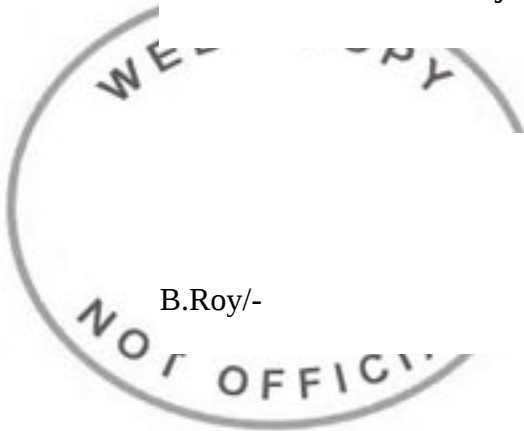
and the award was prepared in the name of Jamuna Gond and Jamal Mian.

Learned counsel for the petitioners submits that the petitioner no.1 is the vendor, and petitioner no.2 is the identifier of the sale deed. The petitioners have no knowledge about the acquisition of land by the State of Bihar. The petitioners did not receive any compensation amount, even the award was prepared in the names of Jamuna Gond and Jamal Mian. The petitioners did not cheat the complainant.

On the other hand, learned counsel for the complainant has submitted that even after the acquisition of the land by the State of Bihar, petitioner no.1 sold the land.

Having considered the facts that the land was earlier standing in the name of petitioner no.1 and he executed the sale deed, and petitioner no.2 is the identifier and even the award was not prepared in the name of the petitioner no.1 and he did not receive the amount, it is directed that in the event of arrest or surrender before the court below within four weeks from the date of receipt/ production of a copy of this order, the petitioners, named above, 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,

Bhagalpur, in connection with Complaint Case No. 1811/2013,
subject to the conditions as laid down under section 438(2) Cr.P.C.



(Prabhat Kumar Jha, J)

B.Roy/-

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