

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29539 of 2014

Arising Out of PS.Case No. -377 Year- 2013 Thana -COMPLAINT CASE District- SHEOHAR

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1. Radha Mohan Rai
2. Ram Varan Rai, both sons of Shri Triful Ray, Resident of Village -
Rampur Yadu, P.S. - Sheohar, District - Sheohar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dudh Nath Singh, Advocate

For the Opposite Party/s : Mr. Anant Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 12-01-2015 Heard learned counsel for the petitioners and learned
counsel representing the State.

The petitioners, apprehending their arrest in connection with Complaint Case No. C-1/377/ of 2013 registered for the offences punishable under Sections 467,468, 471, 120(B) of the Indian Penal Code, seek the privilege of pre-arrest bail.

Allegedly, Ram Khelawan Rai, being issueless, executed a deed of gift in favour of the complainant on 24.05.1978 and his name was mutated and he was getting rent receipt, but the petitioners on the basis of private partition with forged signatures of the complainant and his brother got final order passed in Mutation Partition Case No. 213/11-12 in connivance and conspiracy with employees of Anchal Office and when the

complainant got knowledge about the same, obtained certified copy and filed this case.

Submission at the bar of pre-arrest bail is that against the order passed by Anchal Adhikari, there is a provision of appeal. No criminal case is maintainable. The complainant has already filed appeal, which is pending before D.C.L.R. Thus, there appears bona fide land dispute. The learned counsel for the complainant opposes the prayer of pre-arrest bail.

Considering that this is a case of land dispute, the complainant has already filed mutation appeal before the D.C.L.R. and as such, in the facts and circumstances, the petitioners Radha Mohan Rai and Ram Varan Rai in case of their arrest or surrender within two months from the date of receipt/production of the copy of this order, they shall be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate., 1st Class, Sheohar in connection with Complaint Case No. C-1/377/2013, subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Jitendra Mohan Sharma, J.)

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