

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10399 of 2015

Arising Out of PS.Case No. -1191 Year- 2013 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

- =====
1. Haripujan Pandey
 2. Sri Pujan Pandey
 3. Srikant Pandey, all sons of Late Triveni Pandey.

.... Petitioner/s

Versus

1. The State of Bihar
2. Manoj Mishra, son of late Sukhdeo Mishra.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamla Kant Pandey

For the Opposite Party/s : Mr. Nirmal Kumar Sinha(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

4 03-04-2015 Supplementary affidavit is filed on behalf of the
petitioners.

Heard learned counsel for the petitioners, learned
counsel for the complainant as well as learned Additional Public
Prosecutor for the State.

Petitioners apprehend their arrest in connection with
Complaint Case No. 1191 C of 2013 in which cognizance has
been taken for the offences punishable under Sections 420, 406,
467, 468, 120B of the Indian Penal Code.

The accusation against the petitioners is that they
sold some plots to complainant on 14.05.2012 without having any
valid right, title and possession in respect of the lands in question

and later on, the complainant came to know that the lands in question has been recorded in the name of State Government.

Learned counsel appearing for the petitioners submits that petitioners had been coming in possession of the lands in question since long and the Consolidation Officer had declared the title of the petitioners in Sonhar P.S. Case No. 375 of 1980 vide order dated 09.12.1980. Thereafter, the name of the petitioners were entered in the revenue record and receipts were issued in their favour.

On the other hand, learned counsel appearing for the complainant submits that the land in question has been registered in the name of Bihar State and the petitioners had obtained rent receipts by playing fraud and forgery. To fortify the above stated contention, he produced photostat copy of certified copy of continuous Khatian.

Annexure-2 to this petition reveals that in Sonhar P.S. Case No. 375 of 1980, the Consolidation Officer, Shiv Sagar vide order dated 09.12.1980 directed to enter the name of petitioners in revenue record and furthermore, Annexures-4 and 5 series reveal that name of petitioners were ordered to be entered and accordingly, rent receipts were issued in their favour. Moreover, before purchasing the lands in question, it was

incumbent duty of the complainant to verify the title and possession of the petitioners in respect of the lands in question.

Considering the aforesaid facts and circumstances as well as submissions of the parties, it appears to me that it is a case of civil dispute and accordingly, this anticipatory bail petition is allowed and it is ordered that petitioners, in the event of their arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Balendra Shukla, Judicial Magistrate 1st Class, Rohtas at Sasaram in Complaint Case No. 1191 C of 2013 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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