

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27214 of 2015

Arising out of PS.Case No. -685 Year- 2014 Thana -MUZAFFARPUR TOWN District-
MUZAFFARPUR

- =====
1. Raj Kumar @ Raj Kumar Rai.
 2. Mohan Kumar.
 3. Mukesh Kumar.

.... Petitioners

Versus

1. The State of Bihar.
2. Sunaina Devi @ Malti Devi.

.... Opposite Parties.

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Appearance :

For the Petitioners : Mr. Hari Kishore Thakur
For the State : Smt. Anita Kumari Singh(App)
For the O.P.No. 2 : Mr. Ram Naresh Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 24-09-2015 Heard learned counsel for the petitioners, informant and
learned counsel for the State

The petitioners are apprehending their arrest in connection
with Town P.S. Case No. 685/2014 for the offences instituted
under Sections 419, 420, 465, 467, 468, 471 and 120(B) of the
IPC.

The prosecution case, in brief, is that the informant, namely,
Sunaina Devi @ Malti Devi has two sisters and one brother. Her
parental property is still undivided. Her real name is Sunaina Devi
and she is also called by surname as Malti Devi. Later, it is also
mentioned that she came to know from her brother that someone
in a criminal conspiracy executed Khata no.172 Khesra No.224



area about 22 decimal belonging to her ancestral land by her name Malti Devi. She approached registry office and obtained certified copy of sale-deed which reveals that petitioner no.1 is purchaser, petitioner no.2 is identifier, petitioner no.3 is witness and petitioner no.4 is scribe and they all in criminal conspiracy committed the above for cheating.

It has been submitted on behalf of the petitioners that the matter is of civil dispute. It is further submitted that the petitioner no. 1 is the purchaser of the land in question, petitioner no. 2 is the identifier on the sale deed and petitioner no. 3 is the witness on the sale deed. It is further submitted on behalf of the petitioners that when the petitioner no. 1 came to know that a fraud has been played on him he has also filed a case being Muzaffarpur Town P.S. Case No. 686/2014 against one Hari Narayan Mahto who got the land in question sold to the petitioner no. 1 by impersonating one Malti Devi. The petitioner no. 1 do not claim his title over the land in question. It is further submitted that a title suit has also been filed by the opposite party no. 2 in respect to the land in question.

On behalf of the learned counsels for the informant and the State it has been submitted that the petitioners have been made accused in the F.I.R. and a fraud has been committed on their part.

Considering the aforesaid facts and circumstances and as the petitioner no. 1 do not claim his title over the land in question, let the petitioners above named, be released on bail in the event of their arrest or surrender before the learned court below within a period of four weeks from today in connection with Town P.S. Case No. 685/2014 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Muzaffarpur, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)