

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3881 of 2015

Arising out of PS.Case No.-847 Year-2014 Thana-MUZAFFARPUR TOWN District-
MUZAFFARPUR

- =====
1. Shiv Shankar Prasad Sahu
 2. Manoj Kumar Gupta.
 3. Dilip Kumar
 4. Ashok Kumar All sons of Late Asharfi Lal Sahu
 5. Smt. Nirmala Devi wife of Sri Shiv Shankar Prasad Sahu
 6. Smt. Rekha Devi wife of Sri Dilip Kumar
 7. Smt. Jaishree Devi Wife of Sri Manoj Kumar Gupta
 8. Smt. Vimal Priya Gupta @ Smt. Vimal Priya wife of Sri Ashok Kumar
All resident of mohalla Kalibari Road Tinpokharia, P.S. Mithanpura,
District Muzaffarpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioners : Shri Nilesh Kumar, Advocate
For the Opp. Party : Shri Nand Kumar, APP

=====

CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA
ORAL ORDER

4 02-07-2015

Heard the parties.

Allegations were made that on the same day by executing successive title deeds one by accused Rameshwar Kumar and the other by Rudra Nath Mukherjee, forgery was committed. Allegation was that those documents were forged, fabricated without consideration and did not have any binding effect. The purpose as per the allegation was that the vendees had obtained those sale deeds only for acting to enter into the possession of the land forcibly. It was stated by the informant that the land belonged to him and his family and the accused persons



were interfering with his settled possession on the basis of the two forged documents noted above and further that they had on 12.10.2014 came to the house of the informant in the night to threaten him with dire consequences else to pay to the accused persons an amount of Rs. 25 lakhs and indeed succeeded in realizing Rs. 1 lakh leaving threats further before quitting the house of the informant, to pay up the remaining amount of Rs. 24 lakhs. On these allegations the First Information Report was lodged.

It is not disputed that the property had been purchased by Ramnath Prasad from one Girendra Nath Mukerjee and others as back as in 1965 and the sale deed was initially in respect of 3 katha and 4 dhur of land in spite of the fact that the agreement was in respect of a total areas of about 5 kathas and that was subsequently created by executing a deed of correction. However, while hearing the learned counsel for the parties, specially, Shri M.N. Parwat, the learned senior counsel appearing on behalf of the informant it transpired that the property was the joint ancestral property of Mukherjees' which was sold from time to time by one co-sharer or the other. This was how that the accused persons also appear having obtained sale deeds either from one co-sharer or the holder of the power of attorney from the other co-sharer. Suit in respect of the property seeking the reliefs

of declaratory nature as regards the deeds of sale was also pending and it appears difficult for this Court to rule out the submission that the sale deeds were indeed scribed and registered by some or the other interest holders in the property.

If it was so, as appears from facts asserted and submissions made, then the Court is of the opinion that the whole question of facts present a serious question of civil dispute and in that view the Court cannot stay its hand from granting bail under Section 438 Cr.P.C. to the petitioners.

In light of the above, let petitioners above named be directed to be released on bail either in the evident of their arrest by the police or surrender in the court below in connection with Muzaffapur Town P.S. Case No. 847 of 2014 by execution of individual bonds of Rs. 5,000/- (five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Dharnidhar Jha, J.)

Sanjay/-

U		T	
---	--	---	--