

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42111 of 2015

Arising Out of PS.Case No. -159 Year- 2013 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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1. Raj Mangal Sahani S/o Late Brij Nandan Sahani
2. Savita Devi W/o Raj Mangal Sahani
3. Suresh Sahani S/o Daroga Sahani
All Resident of Village Dewani Bari Pakridayal, P.S. Pakridayal, District
East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Heera Lal Sahani S/o Late Brij Nandan Sahani R/o Village Dewani Bari
Pakaridayal, P.S. Pakaridayal, District East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ahmad Ali(App)

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 13-10-2015 Heard the learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners, namely, Raj Mangal Sahani, Savita
Devi and Suresh Sahani who apprehend their arrest in Trial
No. 5108 of 2014, corresponding to Complaint Case No. 159 of
2013 under Sections 323, 406, 420, 468/34 of the Indian Penal
Code.

The allegation of the informant is that he is
unmarried and he gave rupees one lakh to his elder brother Raj
Mangal Sahani to purchase land for him, but instead of
purchasing the land in the name of the informant, the brother
of the informant purchased the land in the name of his wife.

The learned counsel for the petitioners submitted that the nature of dispute, which is being raised by the informant, is purely of civil nature and no case under Sections 420 or 406 or 468 of the Indian Penal Code is made out.

On the other hand, learned A.P.P. objected the prayer for bail.

Considering the nature of allegation and the relation between the parties, I direct the petitioners named above to surrender before the court below within six weeks from today and on their so surrendering, the court below is directed to release the petitioner on bail on furnishing bail bond of Rs. 5,000/- (Rupees five thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Sikrahna at Motihari in connection with Trial No. 5108 of 2014, arising out of Complaint Case No. 159 of 2013, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Mungeshwar Sahoo, J)

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