

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49544 of 2014

Arising Out of PS.Case No. -449 Year- 2013 Thana -SARAN COMPLAINT CASE District- SARAN

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Sonu Kumar Sharma Son of Shiv Nath Sharma, Resident of Village AND P.S. - Amnour, District - Saran (Chapra).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.50573 of 2014

Arising Out of PS.Case No. -449 Year- 2013 Thana -SARAN COMPLAINT CASE District- SARAN

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Rabindra Nath Tiwary son of late Singhasan Tiwary resident of village - Harnarayan Amnour, P.S. Amnour, District - Saran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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with

Criminal Miscellaneous No.18094 of 2015

Arising Out of PS.Case No. -449 Year- 2013 Thana -SARAN COMPLAINT CASE District- SARAN

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SANJAY KUMAR @ SANJAY KUMAR SINGH @ LALJEE SINGH S/O- Sri Kapildeo Singh R/O- Village- Amnour Aguan, P.S Amnour, Distt.- Saran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Amar Nath Tiwari S/o Late Baban Tiwari Resident of village + P.O. + P.S.- Amnour, District- Saran.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.49544 of 2014)

For the Petitioner/ : Mr. Ravi Prakash

For the Opposite Party/s : Mr. Satyendra Prasad (APP)

(In Cr.Misc. No.50573 of 2014)

For the Petitioner/s : Mr. Ajey Kumar

For the Opposite Party/s : Mr. Abhay Kumar No. 1 (APP)
(In Cr.Misc. No.18094 of 2015)

For the Petitioner/s : Mr. Chandra Shekhar Singh

For the Opposite Party/s : Mr. U.L.Verma(APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 14-05-2015

All the above-said three petitions arise out of Complaint

Case No. 449 of 2013 registered for the offences punishable under Sections-386, 368 and 120(B) of the Indian Penal Code in which, petitioners apprehend their arrest and, accordingly, all the above-said three petitions are being heard and disposed off by this common order.

Heard learned counsels for the petitioners, the complainant and learned counsel for the State.

The Complainant in the present case has alleged that the petitioners had taken away the complainant, his brothers and mother so as to compel them to execute sale deed in favour of certain other persons and after using fire-arms had taken their signature on papers and made them executed sale deed in the registration office at Patna.

Learned counsel for the petitioner in Cr. Misc. No. 49544 of 2014 submits that petitioner, namely, Sonu Kumar has not been benefited from any such execution of sale deed. It is further submitted that he is merely a co-villager, who is engaged in making grills and is having grill shop in the vicinity and has no

connection with the event or transaction of sale of land. It is only because he was claiming his dues in preparing some grills, the petitioner, namely, Sonu Kumar Sharma has been brought into the present case.

Learned counsel for the petitioner in Cr. Misc. No. 50573 of 2014, namely, Rabindra Nath Tiwary submits that the name of this petitioner has been drawn in the present case only because of the fact that he was running an Inter college over the land, which has been claimed by the complainant. It is further submitted that he is the Secretary of the College and co-villager of the complainant and happens to be the brother-in-law of the co-accused, namely, Saroj Kant Tiwary and that with regard to the land, on which the said college is being run, there is land dispute between the complainant and the petitioner and on account of this animosity and out of sheer vendetta, the name of this petitioner has been drawn in the present case.

So far as petitioner in Cr. Misc. No. 18094 of 2014 namely, Sanjay Kumar@ Sanjay Kumar Singh @ Laljee Singh is concerned, learned counsel for the petitioner submits that the petitioner is also a co-villager and has not been benefitted in any manner from the execution of the sale deed and has been roped in the present case only out of malice and village politics.



Learned counsel for the complainant, however, submits that the petitioners had actively participated in taking away the complainant, his three brothers and mother to Patna for execution of the sale deed, in question, but on being confronted with the question as to what benefit they would derive from getting the lands executed in favour of other persons, learned counsel for the complainant could not explain the same. He further contends that it is probable that the beneficiaries of the transaction of sale deed had been hired by these persons, which appears to this court a remote possibility.

Learned counsel for the complainant is not in a position to explain as to why between 03.02.2013 and 23.02.2013, i. e. almost 20 days, none of the family members or any other relatives concerned, could give any information to the police.

Considering the nature of allegation and after perusing of the complaint petition and other materials, which have been brought on record in these three cases, let the petitioners, namely, Sonu Kumar Sharma, Rabindra Nath Tiwary and Sanjay Kumar @ Sanjay Kumar Singh @ Laljee Singh in the event of their arrest or surrender before the court below within a period of two weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the

satisfaction of the learned Chief Judicial Magistrate, Judicial
Magistrate, 1st Class/concerned Court Saran at Chapra in
connection with Complaint Case No. 449 of 2013.

(Anjana Mishra, J)

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