

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37740 of 2015

Arising Out of PS.Case No. -127 Year- 2014 Thana -SINGHESHWARASHTHAN District-
MADHEPURA

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Motilal Sah S/o Late Mahadeo Sah

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar-I(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 18-09-2015

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 420, 467, 468, 471, 386, 120B/34 of the Indian Penal Code.

Accusation against the petitioner is of transferring the land of the informant fraudulently and on the basis of forged sale deed 'jamabandi' was created and rent receipts were obtained.

It is submitted by learned counsel for the petitioner that father of the petitioner namely Mahadeo Sah and his cousin namely Kanti Prasad Sah had acquired 67 bigha land through registered kabuliyat from the ex-landlord and ½ share i.e. 33 ½ bigha out of total 67 bigha fell in the share of the father of the petitioner. After death of father of the petitioner, the petitioner and

his brother got possession over the said land and, thereafter, the petitioner transferred the land of his own share whereas the informant is the heir of the other co-sharer Kanti Prasad Sah. The sale deed was executed in 2011 but the FIR has been registered in 2014. A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the accusation being levelled in the background of civil nature of dispute, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Madhepura in connection with Singheshwar P.S. Case No.127 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Ashwini/-

(Dinesh Kumar Singh, J)

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