

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19750 of 2015

Arising Out of PS.Case No. -410 Year- 2014 Thana -BIHPUR District- BHAGALPUR

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1. Jagdish Mishra Son of Late Basudeo Mishra
2. Mithilesh Kumar Madhu @ Mithilesh Kumar Mishra, Son of Jagdish Mishra.
3. Abadhesh Kumar Mishra son of Jagdish Mishra
All resident of Village-Navtoliya Narayanpur, P.S. Bihpur (Bhawanipur)
District- Bhagalpur..... Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Ram Naresh Rai (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

5 30-07-2015

Heard learned counsel for the petitioners and learned

counsel representing the State.

Petitioners apprehend their arrest in connection with Bihpur (Bhawanipur) P.S. Case No. 410 of 2014 registered for the offences punishable under Sections 419, 420, 468, 469, 471/120B/34 of the Indian Penal Code.

On the basis of application filed by the informant before the D.I.G., Bhagalpur, this case has been instituted with allegation that the accused persons created forged and fabricated sale deeds and got the name mutated after bringing the Karmchari and Circle Officer in collusion with intention to grab the land and house of the informant.

Submission is of false implication and that the dispute appears to be of civil nature. Petitioner no. 1 is a retired

Head Clerk, petitioner no. 2 is the Junior Engineer in Bihar Education Project, Bhagalpur and petitioner no. 3 is posted as Marketing Officer, Ludhiana and, as such, they deserve sympathetic consideration to which the learned APP dully assisted by learned counsel for opposite party no. 2 opposes by submitting that the petitioners and other co-accused in collusion and conspiracy have created forged and fabricated sale deeds and got the names mutated as such, they do not deserve pre-arrest bail and further other co-accused are in custody and the petitioners are absconding.

In the facts and circumstances stated above and considering the case to be of civil nature, the petitioners above named in case of their surrender or arrest within two months from the date of receipt/production of a copy of this order, shall be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Naugachhia, in connection with Bihpur (Bhawanipur) P.S. Case No. 410 of 2014, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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