

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33788 of 2014

Arising Out of PS.Case No. -61 Year- 2014 Thana -MEERGANJ District- GOPALGANJ

1. Keshar Alam Khan @ Tamanna Khan.
2. Tuntun Prasad.
3. Dinesh Kumar Singh @ Dinesh Singh.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Radha Mohan Pathak, Advocate.
For the informant : Mr. Vikramdeo Singh, Advocate.
For the Opposite Party : Mr. Sanjay Kumar (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 20-03-2015 Heard learned counsels for the petitioners, informant and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 420, 406, 467, 468 and 471/34 of the Indian Penal Code.

It is alleged by the informant that petitioner no. 1 initially executed power of attorney with regard to her land in favour of her husband but her husband performed second marriage then she called petitioner no. 1 to cancel the power of attorney but he misappropriated the same and got power of attorney with regard to same land executed in his favour and took Rs. 21,50,000/- from petitioner no. 3 Dinesh Kumar Singh @ Dinesh Singh

and allowed him to take possession of land of the informant.

It is submitted by learned counsel for the petitioners that power of attorney in favour of husband of the informant was cancelled on 16.12.2013 and on same day she executed power of attorney with regard to same land in favour of petitioner no. 1 and thereafter in pursuance to the said power of attorney Rs.21,50,000/- was given to the informant but thereafter on 16.12.2013 she cancelled the power of attorney executed in favour of petitioner no.1. Consequently, petitioner no. 1 filed Complaint Case No. 3394 of 2013 on 20.12.2013 thereafter the present complaint was filed on 24.01.2014 which came to be registered as police case on 16.03.2014.

It is submitted by learned counsel for the informant that on the basis of forged power of attorney the petitioner no. 1 has received money from petitioner no. 3 and there is no proof with regard to payment to the informant and the land of the informant has illegally been occupied by petitioner no. 3 at the behest of petitioner no. 1.

Considering the accusation in the background of serious dispute with regard to execution of power of attorney and lodging of complaint at earlier point of time by petitioner no. 1, let the

petitioners, above named, be released on bail in the event of arrest or surrender before the learned court below within a period of twelve weeks from today in connection with Mirganj P.S. Case No. 61 of 2014 on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Gopalganj, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

A statement has been made in paragraph no. 3 of the petition that the petitioners have no criminal antecedent whereas it is submitted by learned counsel for the informant that the petitioner no. 3 has serious criminal antecedent. Learned court below before accepting bail bond of petitioner no. 3, will get the same verified.

U.K./-

(Dinesh Kumar Singh, J)

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