

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48886 of 2014

Arising Out of PS.Case No. -182 Year- 2014 Thana -SAHARSA COMPLAINT CASE District-
SAHARSA

- =====
1. Hari Narayan Yadav, Son of Late Gujai Yadav.
 2. Chandradeo Kumar Yadav @ Chandren Kumar Yadav, S/o Hari Narayan Yadav.
- Both resident of village - Hariraha, P.S. Karjain, District - Supaul.

.... Petitioners.

Versus

1. The State of Bihar.
2. Sunita Devi, wife of Raj Kumar Mehta, resident of village-Karjain, P.S. Karjain, District-Supaul.

.... Opposite Parties.

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Appearance :

For the Petitioners : Mr.
For the State : Mr.
For the Complainant/O.P. No.2 : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

3 02-06-2015 Heard learned counsel for the petitioners and the learned A.P.P. for the State as also the learned counsel for the complainant/opposite party no.2.

The petitioners apprehend their arrest in connection with Complaint Case No.182 of 2014 registered under Sections 420, 323 and 504 of the Indian Penal Code.

The complainant/opposite party no.2, Sunita Devi, has filed Complaint Case No.182 of 2014 stating therein that the land having Khata No.28(old)/497(new), Khesra No.916 (old)/2554(new) measuring an area of 1 Katha in Mouza-Karjain,

Thana No.34, was in possession of accused nos.1 to 3, namely, Mahanand Rajak, Baldeo Rajak and Badri Rajak respectively, and she and her husband, namely, Raj Kumar Mehta, wanted to purchase the same from the accused nos.1 to 3. It is also alleged that all the accused persons including the petitioners under conspiracy sold the said land to her husband on a total consideration of Rs.36000/- vide sale deed no.5829 dated 25.11.2000 which had already been executed in the name the petitioner no.2, the son of petitioner no.1, and Amrendra Kumar Yadav in the year 1997.

Learned counsel appearing on behalf of the petitioners submits that the petitioners have falsely been implicated in this case with an ulterior motive as they are simply purchasers of the said land. It is further submitted that the dispute has already been settled between the parties and a compromise petition in this regard duly signed by the complainant/opposite party no.2 and the petitioner no.1 has also been filed in the court of S.D.J.M., Birpur, on 19.11.2014.

On the other hand, learned counsel for the complainant/opposite party no.2 also fairly conceded the submission made on behalf of the petitioners that the dispute has already been settled between the parties and a compromise petition

in this regard duly signed by the complainant/opposite party no.2 and the petitioner no.1 has also been filed in the court of S.D.J.M., Birpur, on 19.11.2014.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within four weeks, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the S.D.J.M., Birpur, Saharsa, in connection with Complaint Case No.182 of 2014, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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