

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38724 of 2015

Arising Out of PS.Case No. -373 Year- 2014 Thana -MADHEPURA COMPALINT CASE District-
MADHEPURA

- =====
1. Sintu Kumar S/o Raj Kishore Yadav
 2. Pintu Kumar S/o Raj Kishor Yadav
 - Both R/o Village- Gadhiya, P.S.- Madhepura, District- Madhepura.
 3. Indra Bhushan Kumar S/o Kishan Yadav R/o Village- Chakala Sripur,
P.S.- Madhepura, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ajay Kumar S/o Sri Rambilash Prasad Yadav Reident of Village-
Kataiya, P.S.- Sigheshwar, District- Madhepura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Singh, Advocate

For the Opposite Party/s : Mr. G.S.Gupta(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 29-09-2015 Heard learned counsel for the petitioners and
learned APP for the State.

The petitioners are apprehending their arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 120B, 420, 467, 468, 469/34 of the Indian Penal Code.

Prosecution case is that the complainant purchased 10 dhurs of land of old khata no. 315, new khata no. 906, old plot no. 3370, new plot no. 2483 for a consideration amount of rupees two lakhs through a registered sale deed dated 20.12.2011 from the petitioners. Subsequently, the name of the complainant was mutated, but

he came to know that the petitioners purchased 03 katha of land from the ex-land lord but on the map the land was only two and half katha and the same was also sold by the ex-land lord earlier.

It is submitted by the learned counsel for the petitioners that there is no allegation that the petitioners were not the rightful owner of the land in question. The mutation was done in favour of complainant after proper verification of the land in question. The complainant is in possession of the land, hence no offence under Sections 120B, 420, 467, 468 of the Indian Penal Code is made out.

It is submitted by the learned counsel for the complainant that the complainant has been cheated as actually the land is not existence.

Considering the fact that the sale deed was executed in 2011 and complaint was filed in 2014, let the above named petitioners be released on provisional anticipatory bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Madhepura, in connection with Complaint Case No. 373 of 2014, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

Let the learned court below conduct an enquiry

with regard to existence of the land in question. If, it is found that the land exists, then the provisional bail of the petitioners will be confirmed.

(Dinesh Kumar Singh, J)

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