

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6623 of 2016

Arising Out of PS.Case No. -97 Year- 2014 Thana -PATNA COMPLAINT CASE District- PATNA

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1. Vijay Kumar, Son of Surajdeo Prasad
 2. Ram Nath Prasad, Son of Late Shiv Prasad
 3. Ganesh Prasad @ Ganesh Singh, Son of Late Meera Singh
- All are resident of Village- Budhu Chapara, P.S.- Rani Talab, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Dharm Sheela Devi, Wife of Ram Vinay Prasad, Resident of Village- Budhu Chapara, P.O.- Saidabad, P.S.- Rani Talab, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar

For the Opposite Party/s : Mr. J.N.Thakur(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 12-02-2016

Heard learned counsels for the petitioners

and the State.

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

The prosecution case is that the complainant Dharamsheela Devi claimed to have purchased about nine decimals of land of Plot No. 829, Khata No. 68 from one Nibha Kumari on 24.09.2013. Nibha Kumari purchased the said land from her own mother Most. Rajkala Devi, but

subsequently Rajkala Devi and Nillu Kuar sold the same land in favour of the petitioners.

It is submitted by learned counsel for the petitioners that Rajkala Devi admittedly is the actual land owner. The vendor of the complainant Nibha Kumari is the grand daughter of Rajkala Devi and the land never travelled to her, hence, the vendor of the complainant had no title. The petitioners are bonafide purchaser and Title Suit No. 366 of 2013 for the same cause of action is pending between the parties.

Considering the nature of accusation, let the above named petitioners be released on anticipatory bail, in the event of 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 the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Danapur in connection with Complaint Case No. 97(C) of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

DKS/-

(Dinesh Kumar Singh, J)

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