

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8486 of 2016

Arising Out of PS.Case No. -178 Year- 2015 Thana -SIDHWARA District- DARBHANGA

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1. Kailash Thakur
2. Ranjeet Thakur @ Ranjeet Kumar Thakur
3. Sanjay Thakur @ Sanjay Kumar
These all are sons of Asheshwar Thakur, Resident of village- Bharwara,
P.S.- Singhwara, District- Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Jha
For the Informant : Mr. Vikas Mohan
For the Opposite Party/s : Mr. Bharat Lal (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 03-05-2016 Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the informant as well as learned
Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with a
case registered for the offences punishable under Sections 420/467
/468/471/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the husband
of the informant had agreed by means of *Mahadnama* dated
14.05.2012 to sell a piece of land to the petitioner but despite
several efforts made by the petitioner, the sale-deed in question
was not executed. However, the possession of the land was given
over to the petitioner. It is further submitted that though the
agreement had been made by the petitioner and the husband of the

informant, to which she also had subscribed her signature, the same piece of land was subsequently transferred by the husband of the informant to herself. It is stated that after the death of the husband of the informant, she being in need of money for the marriage of her daughter, sold the same piece of land in favour of one Mahesh Thakur.

Learned counsel appearing on behalf of the informant has submitted that there was no *Mahadnama* executed by the husband of the informant in favour of the petitioner. In fact, a forged and fabricated deed was created by the petitioner and it is on the said basis that he has forcefully installed a thresher machine on the land in question.

Whatever be the facts and circumstances of the case, the credibility of the parties is not above board. While one party alleged that there was *Mahadnama* executed in his favour, the informant's side alleges that the same was forged and she was fully entitled to re-sell the land as she has done in the present incident. The authenticity of the aforementioned document is to be determined by a Court of competent jurisdiction. So far as the action of the informant is concerned, that too cannot be said to be a good method to be followed for repudiating the aforementioned deed. The question of making any further transaction should not have arisen. All such disputes can well be resolved in a civil

dispute to be contested by the parties.

It is thus directed that in the interest of justice, let the petitioners above named, in the event of their arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Drbhanga in connection with Singhwara P.S. Case No. 178/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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