

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24624 of 2016

Arising Out of PS.Case No. -158 Year- 2013 Thana -JAHANABAD District- JEHANABAD

- =====
1. Lorik Manjhi, Son of Late Dhanki Manjhi.
 2. Md. Saif Fatah @ Md. Saifu Fatah, Son of Md. Tarique Fatah
 3. Md. Tarique Fatah, Son of Late Dr. Abu Fatah.
- All resident of Village- Sugaon, P.S. Makhdumpur, District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Mushtaque Alam

For the Opposite Party/s Mr. A.A Khan (App)

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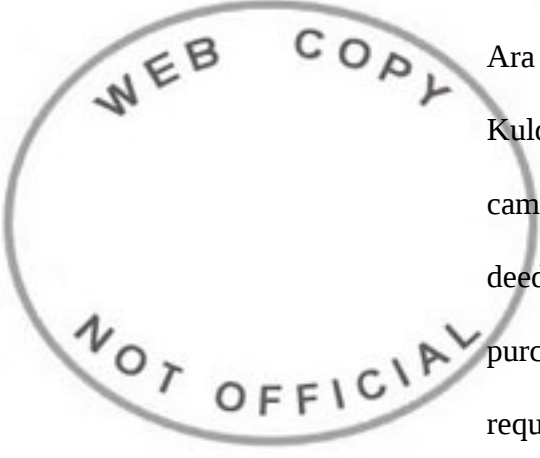
CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

02/ 13.06.2016 Heard learned counsel for the petitioners as well as
learned Addl. Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with
Jehanabad P.S. Case no. 158/2013 registered under sections
420, 467, 468, 471 and 120B of the Indian Penal Code.

At the very outset, learned counsel for the petitioners
seeks permission to make necessary correction in para 9 of the
petition. Accordingly, learned counsel for the petitioners is
permitted to make necessary correction in the above stated
paragraph of the petition within the course of the day.

It is submitted on behalf of the petitioners that land in
question was originally recorded in the name of one Naga Giri
who sold the aforesaid land to one Rafikan Khatoon through
kebala dated 13.5.1943. The aforesaid purchaser Rafikan



Khatoon died leaving behind one daughter, namely, Sauket Ara, mother of the petitioner no.3. Subsequently, purchaser Sauket Ara also died leaving behind petitioner no.3. However, one Kuldeep Yadav purchased land in question in the year 1985 and came in possession but due to some unavoidable circumstance, deed could not be executed and subsequently, the aforesaid purchaser, namely, Kuldeep Yadav died and thereafter, on the request of his legal heir, petitioner no.3 executed sale deed on 9.2.2013 in the name of Janki Devi who happens to be wife of the aforesaid Kuldeep Yadav. It is further submitted that the informant has no concern with the land in question and after a long gap of transfer of the aforesaid land, he raises dispute in respect of the land in question and moreover, it is a civil dispute and petitioners can not be prosecuted for any criminal liability.

Petitioner no.1 is identifier and petitioner no.2 is witness on the sale deed and so far as petitioner no.3 is concerned, he is said to be executor of the sale deed in question.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that in the event of arrest/ surrender within four weeks from the date of receipt of this order to the concerned court, let the above named petitioners be released on bail on furnishing bail bonds of Rs 10,000/- each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Jehanabad in Jehanabad P.S. Case no. 158/2013 subject to condition as laid down under section

438(2) of the Cr.P.C.

shahid

(Hemant Kumar Srivastava,J)

