

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30493 of 2016

Arising Out of PS.Case No. -42 Year- 2014 Thana -AKILPUR District- PATNA

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1. Premdhar Rai, Son of Late Charan Rai
2. Arun Rai s/o Basudeo Rai
3. Tipan Rai, s/o Late Hulas Rai
4. Lakhan Rai @ Ram Lakhan Rai S/o Sheonath Rai
All resident of Village- Habaspur Deara, Police Station- Akilpur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary
For the Opposite Party/s Mr. Amrendra Prasad

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

03/ 18.11.2016 Heard learned counsel for the petitioners as well as learned Addl. Public Prosecutor for the State.

Informant filed complaint case which was converted into the present case i.e. Akilpur P.S. Case no. 42/2014 and accordingly, formal FIR was registered for the offences punishable under sections 420, 406, 467, 468, 471, 504 and 506/34 of the Indian Penal Code.

The accusation against petitioner no.1 is that he gave Rs 20,000/- on loan to the informant and took two stamp papers from him and subsequently, he converted one stamp paper in agreement for sale after putting forged signature of the informant. Rest petitioners are said to have helped the petitioner no.1 committing the alleged crime but submission on behalf of

the petitioners is that informant and one Tipan Rai had executed an agreement for sale in favor of petitioner no.2 on 13.3.2012 in respect of some land and the informant took Rs 04/- lakhs whereas one Tipan Rai also took Rs 04/- lakhs from petitioner no.2 but subsequently, they failed to execute absolute sale deed and also failed to return amount in question and thereafter, petitioner no.2 filed complaint case bearing Complaint case no. 973(C)/2013 in which informant was arrested by the police. It is further pointed out by him that the aforesaid Tipan Rai returned the amount of Rs 04/- lakhs to petitioner no.2 but the informant lodged this false case against the petitioners in the year 2014.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioners, in the event of arrest/ surrender within six weeks from the date of receipt of this order to the concerned court, 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 Sri R.K. Singh, Judicial Magistrate, Ist Class, Patna/ concerned court in Akilpur P.S. Case no. 42/2014 subject to condition as laid down under section 438(2) of the Cr.P.C.

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(Hemant Kumar Srivastava,J)

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