

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50245 of 2016

Arising Out of PS.Case No. -242 Year- 2016 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Surendra Jaiswal
 2. Ajay Jaiswal
 3. Vijay Jaiswal All S/o Late Ramchandra Jaiswal resident of Mukhiyaji Chowk, Ward No.15 Narkatiaganj, P.S.- Sikarpur, District- West Champaran (Bettiah).
 4. Gulam Rasul S/o Yasin Manib resident of Nandpur, Ward No.4, Narkatiaganj, P.S.- Sikarpur, District- West Champaran (Bettiah).

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Saket Tiwary, Advocate.

For the Opposite Party : Mr. Sri Tapeswar Sharma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 20-12-2016 A counter-affidavit has been filed on behalf of learned counsel for the informant. The same may be kept on the record.

In light of supplementary affidavit filed on behalf of learned counsel for the petitioners, he is permitted to make necessary corrections in the petition.

Heard learned counsels for the petitioners, informant and learned counsel for the State.

The petitioners are apprehending their arrest in connection with Shikarpur P.S. Case No. 242 of 2016 for the offences instituted under Sections 467, 468, 471, 420, 120(B) and



387 of the IPC.

The prosecution story, in brief, is that the informant and his friend Deepak Kumar Singh got Bainama Deed of an agreement from one Prashant Dhvaj Joshi with respect to a piece of land and when they reached near the said land they found bamboos kept thereon and they were talking with regard to removal of the said bamboos, the petitioners came there and gave threat to flee away. The petitioners also claimed over the said land and told that the Jamabandi No. 250 is standing in their name. Thereafter, the informant and his friend went to the Circle Officer, Narkatiaganj, and on enquiry they learnt that Jamabandi No. 250 has been created in Register-2 by making forgery. It has also been alleged in the FIR that Jamabandi No. 476 is running in the name of Komal Narain Shrestha with respect to the land in question but the petitioners fraudulently and dishonestly has created forged Jamabandi in their name with a view to grab the said land.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. They have falsely been implicated in the present case. The matter relates to civil dispute. A Title Suit has also been filed in the court below. If the informant was aggrieved by the said Jamabandi, he



ought to have challenged the same before the competent authority under the Statute but the same has not been done by him.

On behalf of the learned counsels for the State and the informant, it has been submitted that the petitioners are named in the F.I.R. and have committed the alleged offence.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on bail in the event of their arrest or surrender before the learned court below within a period of six weeks from today in connection with Shikarpur P.S. Case No. 242/2016 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., West Champaran at Bettiah, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

