

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49230 of 2016

Arising Out of PS.Case No. -356 Year- 2016 Thana -MOHANIA District- BHABHUA (KAIMUR)

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1. Shiv Mohan Pathak son of Late Udai Narayan Pathak Resident of Village Pathkhoulia, P.S.- Kudava, District- Kaimur
 2. Bachchan Upadhyay son of Shri Mohan Upadhyay resident of Village- Darwan, P.S.- Ramgarh, District- Kaimur
 3. Sharavan Ram @ Shravan Kumar Chaudhary @ Shravan Chaudhary son of Mukhlal Chaudhary
 4. Shiv Dular Chaudhary son of Late Kesh Nath Chaudhary Both 3 and 4 are resident of Village- Gheghiya, P.S.- Mohania, District- Kaimur
 5. Om Prakash Keshar son of Ashok Sah Resident of Village Dadawa, P.S.- Mohania, District- Kaimur
 6. Sushil Kumar Upadhyay son of Late Chandrashekhar Upadhyay Resident of Village- Darwan, P.S.- Ramgarh, District- Kaimur

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Rajesh Kumar Mishra, Adv.

For the Opposite Party : Mr. Surendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 19-12-2016 Heard the learned counsel for the petitioners, the informant and the State.

This is a petition for grant of anticipatory bail for offence under Sections 420, 423, 467, 468, 471, 323 and 34 of the Indian Penal Code.

Allegation is that son of the informant has executed registered sale deed in favour of petitioner no. 2, Bachchan Upadhyaya. Petitioner no. 1 is scribe of the sale deed and petitioner no. 3 is witness on the sale deed and other petitioners are witnesses on the sale deed.

Submission of the petitioners is that the property is ancestral property of the vendor and the vendor also sharer in the property.

Learned counsel for the informant opposed the prayer



on the ground that though in the first column of the sale deed it is specifically mentioned that the informant is alive, however, in the recital portion it is mentioned that the informant is already dead, therefore, some misrepresentation is there.

Considering the aforesaid fact, the petitioners, above named, in the event of their arrest or surrender, within four weeks from the date of receipt of this order, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with **Mohania P.S. Case No. 356 of 2016** to the satisfaction of the **Chief Judicial Magistrate, Kaimur at Bhabhua**, or successor Court, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

(Birendra Kumar, J)

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