

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40077 of 2016

Arising Out of PS.Case No. -299 Year- 2014 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Govind Tiwari Son of Late Raghunath Tiwari
 2. Devanti Devi Son of Sakal Sahani. All Residents of village - Nandpur, P.S. Muffasil, District East Champaran
 3. Anil Kumar Sahani Son of Manindra Sahani resident of village - Bada Bariyarpur, P.S. Chhatauni, District East Champaran
 4. Rambabu Mishra Son of Late Yagyanand Mishra resident of village - Awdhesh Chauk, P.S. Motihari Town, District East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, APP

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 30-09-2016 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

Petitioners apprehend their arrest in connection
with Muffasil P.S. Case No. 299 of 2014, G.R. Case No. 4471 of
2014 registered for the offence punishable under Sections 420,
406 and 120B/34 of the Indian Penal Code.

The prosecution case is that the informant's
mother got land in her share by the judgment passed in Partition
Suit No. 250 of 1986 and the Execution Case No. 01 of 2012 is
pending in the Court below. In the meantime, co-accused Uma
Tiwari and Govind Tiwari (petitioner no.1) executed sale deed for



03 dhurs of land on 27.08.2014 in favour of Devanti Devi (petitioner no.2) by committing forgery. Accused Anil Kumar Sahani and Rambabu Mishra (petitioner nos. 2 and 3) are witnesses to the sale deed. When informant came to know about execution of sale deed by committing forgery, he obtained certified copy of the same and came to know that these petitioners got registered the land of the informant by committing forgery.

It has been submitted by the learned counsel for the petitioners that they are innocent and petitioner no.1 belongs to the same family tree as that of the informant and as admitted by the informant himself, partition of the joint family properties took place and some land fell in the share of petitioner no.1. He submits that the said land falling in his share has been sold to petitioner no.2, Devanti Devi and petitioner nos. 3 and 4 are witnesses to the sale deed. He submits that the matter arises out of Partition Suit No. 250 of 1986 and presently Execution Case No. 01 of 2012 is pending in the learned Court below. He further submits that the matter is purely civil dispute where right, title and interest of the parties have to be ascertained and, as such, the allegations against these petitioners are false and untrue. He further submits that the petitioners have no criminal history, as is evident from paragraph 3 of this application.

However, learned A.P.P. for the State submits that petitioners are named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since the matter is purely civil dispute where there is sale and purchase of land disputed by the informant, let the petitioners, named above, in the event of their arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Muffasil P.S. Case No. 299 of 2014, G.R. Case No. 4471 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J.)

Arjun/-

U		T	
---	--	---	--