

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11269 of 2016

Arising Out of PS.Case No. -138 Year- 2015 Thana -BUXAR District- BUXAR

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Brij Raj Choubey @ Chunnu Choubey @ Chunnu Son of Brij Banshi Choubey resident of village - Ahirauli, P.S. Buxar (Industrial), District - Buxar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.11856 of 2016

Arising Out of PS.Case No. -138 Year- 2015 Thana -BUXAR District- BUXAR

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Jai Prakash Mishra Son of Sri Shiv Shankar Mishra Resident of village- Civil Line Buxar, PS Buxar town, District Buxar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.11269 of 2016)

For the Petitioner/s : Mr. Anita Kumari

For the Opposite Party/s : Mr. Ram Anurag Singh (App)

(In Cr.Misc. No.11856 of 2016)

For the Petitioner/s : Mr. Anita Kumari

For the Opposite Party/s : Mr. Ram Anurag Singh(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

4 29-03-2016 Two separate supplementary affidavits are filed. Let the same be kept on record.

Both the above-said petitions arise out of Buxar P.S. Case No. 138 of 2015 registered under Sections-419, 420, 467, 468, 471 and 120(B) of the Indian Penal Code and

accordingly, both the above-said petitions are being heard and disposed of by this common order.

Heard learned counsel for the petitioners, learned Additional Public Prosecutor for the State and learned counsel, appearing for the informant.

The accusation against the petitioner in Cr. Misc. No. 11269 of 2016 is that he played role of mediator and got negotiated the transaction, in question and so far as allegation against the petitioner in Cr. Misc. No. 11856 of 2016 is concerned; it is alleged that he along with others, got transferred the land of informant by placing forged documents before the concerned registrar.

Learned counsel, appearing for petitioners submits that the informant as well as her sisters transferred their lands after taking valuable consideration but subsequently, the informant filed the present case with concocted story. It is further submitted that even if, accusation, levelled against petitioners assumed to be true, then also, it is a dispute of civil nature, which cannot be decided in a criminal court.

Learned counsel, appearing for the informant, vehemently, opposed the prayer, submitting that petitioners have suppressed their criminal antecedent and when the aforesaid fact

was pointed out on behalf of the informant, petitioners have filed supplementary affidavits, disclosing their criminal antecedent and, therefore, the aforesaid conduct, clearly, goes against the petitioners. It is further contended by him that so far as merit of the present case is concerned; both petitioners as well as other accused, played fraud not only upon the informant and others, but with the concerned registrar also and therefore, they have committed a very serious offence.

Considering the above-said facts and circumstances of the case as well as submission of the parties and also taking note of period of detention of the petitioners in jail custody, let the petitioners named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Buxar P.S. Case No. 138 of 2015 to the satisfaction of learned Chief Judicial Magistrate, Buxar.

(Hemant Kumar Srivastava, J)

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