

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11942 of 2016

Arising Out of PS.Case No. -2351 Year- 2014 Thana -WEST CHAMPARAN COMPLAINT
District- WEST CHAMPARAN(BETTIAH)

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1. Abhishek Kumar @ Abhishek Sah, S/o Narayan Sah, R/o Purani Gudari, Ward No. 9, P.S.- Bettiah Town, Dist. -West Champaran.
 2. Dhiraj Kumar, S/o Satyadeo Prasad, R/o Purani Gudari, Ward No.24, P.S. Bettiah Town, Dist.- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Thug Thakur, S/o Late Jangi Thakur, R/o Vill.- Gurwaliya Biswas, P.S. Manuwa Pul, Dist. -West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Ajay Kumar Sharma, Advocate
For the S t a t e : Mr. B.N.Pandey(APP)
For O.P. No.2 : Mr. Bimlesh Kumar Pandey, Advocate
(Complainant)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 19-05-2016 Heard learned counsel for the petitioners and the learned counsel appearing on behalf of the State. Learned counsel for Opposite Party No.2, on notice, is also present.

The petitioners are apprehending their arrest in connection with Trial No.2809 of 2015 arising out of Complaint Case No.2351(C)/14 for allegedly having committed the offence under Sections 323, 341, 504, 468, 420, 406 and 120B of the Indian Penal Code.

Learned counsel for the petitioners submits that the entire allegation of creating forged document, as alleged by the



complainant, is frivolous and the story has been made out only to put pressure on the petitioners/purchasers to settle another dispute of sale/purchase of land, which had been agreed upon by the complainant with petitioner No.1, for which he had taken a total amount of Rs.13,70,000/- (Thirteen lacs seventy thousand). Learned counsel for the petitioners further submits that if at all the complainant had any grievance, the appropriate remedy will lie in a court of competent civil jurisdiction by way of filing a complaint petition.

Learned counsel appearing on behalf of the complainant submits that the petitioner No.1 has played fraud with the complainant and instead of giving plot, which was indicated by him, petitioner No.1 has transferred another plot, which is of much higher value, thus depriving the complainant of his valuable property.

Be that as it may, it is always open to the parties to seek recourse in such matter in a court of appropriate jurisdiction and repudiate the deed as created on account of such action.

In view of the aforementioned facts and circumstances, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period

of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of ₹10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Sri S.M. Afjal, learned Judicial Magistrate, 1st Class, Bettiah, West Champaran, in connection with Trial No.2809 of 2015 arising out of Complaint Case No.2351(C)/14, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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