

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24009 of 2016

Arising Out of PS.Case No. -32 Year- 2016 Thana -MAJHAULIA District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Mankeshwar Mishra
 2. Mithilesh Mishra @ Mithlesh Mishra
 3. Ajay Kumar Singh @ Ajay Kumar
 4. Shambhu Singh

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kuar
For the State : Mr. Harendra Prasad(App)
For the informant : Mr. Arbind Kr. Sharma, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 04-08-2016 The prayer for anticipatory bail of petitioner No.4, Shambhu Singh, has already been dismissed as withdrawn by order dated 30.05.2016.

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

The petitioners No.1. Mankeshwar Mishra, 2. Mithilesh Mishra @ Mithlesh Mishra and 3. Ajay Kumar Singh @ Ajay Kumar apprehend their arrest in Majhaulia P.S. case No. 32/2016 under Section 420, 467, 468, 471, 384 and 387 of the Indian Penal Code.

The informant alleged that he purchased a piece of

land of Khata No. 426, Khesra No. 1646 area 10 dhurs from Geeta Devi, wife of Umesh Sah, after proper enquiry. Rampari Kuwar, mother of petitioner Mithilesh Mishra, sold the same land to Umesh Sah and Umesh Sah gifted the same property to his wife on 23.06.2003.

It is submitted that Rampari Kuwar sold the land to Umesh Sah of Khata No. 425, Khesra No. 1647 but Umesh Sah gifted the property in the name of his wife of Khata No. 426 Khesra No. 1646 which is a different plot. The petitioners did not commit any forgery and Umesh Sah, husband of the vendor, committed the forgery by gifting wrong plot in the name of his wife, which was purchased by the informant.

Mr. Arbind Kumar Sharma, the learned counsel for the informant, and the learned Additional Public Prosecutor vehemently opposed the prayer for anticipatory bail but at the same time admitted that the land sold by Rampari Kuwar in favour of Umesh Sah is different and Umesh Sah gifted the land of Khata No. 426, Khesra No.1646, which was not purchased by him from Rampari Kuwar.

Considering the facts aforesaid and the nature of allegations made against the petitioners, the above named petitioners No. 1 to 3, in the event of their arrest or surrender

before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, West Champaran at Bettiah in Majhaulia P.S. Case No. 32 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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