

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31523 of 2014

Arising Out of PS.Case No. -237 Year- 2013 Thana -SAHARSA COMPLAINT CASE District-
SAHARSA

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Shekh Habibullah S/o Late Haji Ali Mandal R/o village- Balbhadrapur,
P.S.- Birpur, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar
2. Dobhi Mahto, s/o late Pintu Mahto, vill – Brahmapur, P.S. Birpur, Distt -
Supaul

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Adv.

For the Opposite Party/s : Mr. Amit Kr. Rakesh(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

6 28-07-2016 Heard both sides.

The petitioner apprehends his arrest in Complaint Case
No. 237(c)/2013, registered for the offences punishable under
Sections 420, 468, 471 of the Indian Penal Code.

The complainant alleged that petitioner executed a sale
deed of old Khata no. 57, new Khata no. 229, 121, old Khesra no.
50, new Khesra no. 349, 348, 347, 352 area of 01 acre 10 decimal
in favour of the complainant and his brother late Hiralal Mahto on
02.12.72 through deed no. 9229. The petitioner again sold the
same land to accused nos. 2 to 5 vide deed no. 2874 dated
11.04.2013.



It is submitted that the complainant has falsely lodged this case. The complainant filed petition for mutation in his name with regard to 01 acre 10 decimal land. The mutation authority has stated that the sale deed was executed by Shekh Habibullah vide sale deed no. 9189/1972 vide Mutation Case No. 92/73-74. 01 acre 10 decimal of land was mutated in the name of complainant and his brother, but Hiralal Mehta brother of the complainant sold 96 decimals of land to Ram Roop Mehta and Inaan, their names were mutated vide Mutation Case No. 431. 14 decimals of land remained in the name of complainant, but the complainant again filed mutation case for mutating his name with regard to 01 acre 10 decimal of land on the basis of the sale deed executed in the year 1972-73 concealing the fact that on the basis of aforesaid sale deed 01 acre 10 decimal land was mutated in his name and in the name of his brother, but his brother had already sold 96 decimals of land in favour of Ram Roop Mehta and Inan. The petitioner has got more than 06 acres of land in the said Khata.

Considering the facts aforesaid, the petitioner, in the event of his 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, is 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 Sub-divisional Judicial Magistrate, Birpur in connection with Complaint Case No. 237(C)/2013, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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