

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28870 of 2016

Arising out of P.S. Case No.79, Year- 2015, Thana –BHEJA, District- MADHUBANI

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1. Tirpit Narayan Yadav @ Tripit Narayan Yadav, son of late Laxman Yadav
 2. Upendra Yadav, son of late Sundar Yadav
 3. Kapil Deo Yadav, son of late Kishun Yadav, resident of village- Sarah Navtolia, P.S.- Bheja District- Madhubani.
 4. Jamadar Sharma, son of late Bhola Sharma, resident of Dwalakh, P.S.- Bheja, District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Adv.

For the State : Mr. Khurshid Anwar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 25-07-2016 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners seek pre-arrest bail in connection with Bheja P. S. Case No. 79 of 2015 registered under Sections 147, 323, 341, 467, 468, 428 and 120(B) of the Indian Penal Code.

It is submitted by the learned counsel for the petitioners that the instant Police case arises out of a Complaint, which was referred by the court to the Police under Section 156(3) of the Cr. P.C. The petitioners No. 1 and 2 are the alleged purchasers and petitioners No. 3 and 4 are witnesses to the sale deed executed in favour of the petitioners No. 1 and 2 by co-accused Ram Awtar

Mahto and Badri Narayan Mahto. The submission is that the ingredients of the offences alleged, would not be attracted as against the petitioners. If any forgery has been committed in executing the sale deed, it is by the seller and not the purchaser or witnesses to the sale deed. It is further contended that the petitioners have got no criminal antecedents and they have been falsely implicated in the present case.

Learned counsel for the State has opposed the prayer for grant of pre-arrest bail to the petitioners.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender before the court below within six weeks from today, the petitioners above named, are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Jhanjharpur, Madhubani, in connection with Bheja P.S. Case No. 79 of 2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

S.Ali/-

(Ashwani Kumar Singh, J)

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