

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41069 of 2015

Arising Out of PS.Case No. -502 Year- 2014 Thana -GOPALGANJ CITY District- GOPALGANJ

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1. Musmat Kalawati Kunwar wife of late Brij Lal prasad
 2. Amit Srivastava son of late Brij Lal Prasad Both are resident of Village- Chhawahi Khas, Police Station- Manjhagarh, District Gopalganj.
 3. Manoranjan Srivastava Son of Madan Lal Resident of Village -Pakari shyam Post Office -Bathua Bazar, Police Station - Fulwariya District Gopalganj.

.... Petitioners

Versus

1. The State of Bihar.
2. Srimati Ramdhari Devi wife of Krishna Chaudhary Resident of Village +Post Office-Bideshi tola , Police Station - Thawey, District Gopalganj.

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Lokesh Kumar Singh, Advocate.
For the Opposite Parties : Mr. Md. Sufiyan, (App).

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 29-06-2016 Heard learned counsel for the petitioners, the learned APP
for the state as well as the learned counsel for the informant.

The petitioners apprehend their arrest in Gopalganj Town
P.S. Case No. 502 of 2014 registered for the offences punishable under
Sections 420, 406, 467, 468, 471 and 120(B) of the Indian Penal Code.

The petitioner no.1 Kalawati Kunwar is said to have
executed a sale deed in favour of Smt. Ramdhari Devi the informant
with regard to Khata No. 63, Khesra No. 249 Area 13.3 ½ Kattha
situated in village Bideshi Tola. The petitioner no. 2 is the witness of
the sale deed and he has also identified the executants of the sale deed,
but there is no role played by petitioner no. 3 Manoranjan Srivastava.

It is submitted that the matter was sent to mediation centre but the dispute was not resolved.

It appears that the genuineness of the sale deed is not disputed. Petitioner no. 1 Kalawati Kunwar executed the sale deed in favour of the informant knowing fully well that the said land had already been sold by her ancestors.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner no.1 Kalawati Kunwar on anticipatory bail. Accordingly, the same is rejected.

So far as the case of petitioners no. 2 and 3 is concerned, there is no specific allegation against them, nor they did play any role in cheating the informant, the petitioners no. 2 and 3 namely, Amit Srivastava and Manoranjan Srivastava, 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, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in Gopalganj Town P.S. Case No. 502 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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