

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18338 of 2016

Arising Out of PS.Case No. -320 Year- 2003 Thana -ALAMGANJ District- PATNA

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1. Janardan Singh Son of Late Deo Ratan Singh, Resident of Mohalla - West Lohanipur, P.S. - Kadamkuan, District - Patna.

2. Ravi Shankar Singh, Son of Thakur Laxaman Singh, Resident of Mohalla - West Lohanipur, P.S. - Kadamkuan, District - Patna. At present resident of village - Inai, Police Station - Ribir Ganj, District - Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Nurul Hoda

For the Opposite Party/s : Mr. Subash Chandra Mishra (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

3 26-07-2016 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with a case registered for the offences punishable under Sections 420/406/467/468/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the present case has been filed out of vendetta and that the informant has no right whatsoever to dispute these petitioners and the matter regarding sale-purchase of land has already been decided by the several Courts at various points of time. It is further submitted that even in an appeal arising out of original decree, the vendor of the informant, Mahanthin Phool Kumari Bhagatin had no power to execute any sale-deed as she was only claiming title through one Anurag Gosai who had executed a deed of will in favour of

herself, but the same deed was never probated and was dismissed. He further submits that under such facts and circumstances, when this Court has already held that the vendor had no title to execute deed of will, consequently, the vendee, the present informant, had no locus to file a case against the present petitioners.

Having heard learned counsel for the petitioners and learned counsel for the State and after perusal of the materials placed before this Court and also the supplementary affidavit filed with all previous orders, have been brought on record, it appears that the petitioners of the present case are being prosecuted on farfetched considerations.

Accordingly, let the petitioners No. 1 (Janardan Singh) and petitioner No. 2 (Ravi Shankar Singh), in the event of their arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Patna City, Patna in connection with Alamganj (Agamkuan) P.S. Case No. 320/2003 subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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