

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44174 of 2016

Arising Out of PS.Case No. -922 Year- 2012 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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Rajkishore Choudhary, son of Satyanarayan Choudhary, Residing of Thana Road, Sultanganj, P.O. + P.S.- Sultanganj, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Amit Kumar, Son of Arjun Choudhary, Resident at Thana Road, Sultanganj, P.O. + P.S. Sultanganj, District- Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate.
For the Opposite Party/s : Mr. Sri Sunil Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 21-10-2016 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Complaint Case No. 922 of 2012 registered under Sections 465, 468 and 471 of the Indian Penal Code.

The allegation of complainant is that his grand father, late Mahavir Choudhary, purchased the land, on 04.05.1965, in the name of his father Arjun Choudhary and uncle Ramadhin Choudhary and the name was also mutated in revenue paper. During the revisional survey the petitioner and his brother Promod Choudhary got recorded their name by committing fraud. The complainant filed objection on 03.03.2011 before Nagar Parishad,



Sultanganj, Executive Officer who issued notice to the petitioner to appear. Executive Officer, Nagar Parishad, Sultanganj examined the application of the petitioner and the objection of complainant and cancelled mutation in respect to entry of the name of petitioner and permitted to lodge the case. The complainant filed an application on 10.08.2011 before the Executive Officer for lodging the F.I.R. but he has not taken any action against the petitioner.

Learned counsel for the petitioner submits that, in fact, Mahabir Choudhary, who is said to be grand father of the complainant, has four sons, namely, Arjun Choudhary, Satyanarayan Choudhary, Ramadhin Choudhary and Ramashankar Choudhary. Arjun Choudhary, is the father of the complainant, whereas Raj Kishore Choudhary is the father of petitioner. The father of the complainant and others have filed the title Partition Suit No. 222/88, which was decreed and the appeal is pending for disposal but due to ulterior motive the present case has been lodged against the petitioner.

Considering the aforesaid submissions, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten

thousand) with two sureties of the like amount each to the satisfaction of the A.C.J.M.-XI, Bhagalpur, in connection with Complaint Case No. 922 of 2012, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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