

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47250 of 2015

Arising Out of PS.Case No. -278 Year- 2015 Thana -BUXAR District- BUXAR

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1. Shiv Pujan Singh, Son of Late Dharmdeo Singh
 2. Awadhesh Singh, Son of Shiv Pujan Singh Both Resident of Dharmagatpur, P.S.- Buxar (M), District- Buxar.
 3. Ramashish Tiwari, Son of Late Chandrika Tiwari
 4. Barmeshwar Tiwari, Son of Brahmdeo Tiwari Both Resident of Village- Chausa, P.S.- Buxar (M), District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Mishra, Adv.
For the Opposite Party/s : Mr. Ashraf Ansari (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 21-01-2016 Learned counsel for the petitioners submits that petitioner nos. 1 and 4 have already been taken into custody and enlarged on regular bail. The case against petitioner nos. 1 and 4 is dismissed as has become infructuous.

Heard both sides.

Petitioner nos. 2 and 3 are apprehending their arrest in Buxar Town P.S. Case No. 278/2015, registered for the offences punishable under Sections 420, 464, 468, 471 and 120(B) of the Indian Penal Code.

Learned counsel for the petitioners submits that the only allegation which can be made out from perusal of the FIR is that



the petitioner has formally recorded the name of his father as Subedar Singh, son of the informant, though he is in fact the son of Shiv Pujan Singh (informant's own brother). It is further submitted by learned counsel appearing on behalf of the petitioner that there is no criminal conspiracy and the land in question has been purchased by him on his own name from the said Ramashish Tiwary petitioner no. 3 herein. There is neither any intention to grab the land of the informant and whatever dispute occurred with the informant, the matter is being agitated in a partition case before the appropriate court. He submits that the present case has been lodged only to put undue pressure in the civil suit where at several places the petitioner's name has been figured as son of Subedar Singh who had in fact taken the petitioner in adoption much earlier and all his certificates indicate that he is son of the said Subedar Singh (informant herein).

Considering the nature of allegations and that the present dispute can only be resolved by a court of competent civil jurisdiction, let petitioner nos. 2 and 3 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,
Buxar in connection with Buxar Town P.S. Case No. 278/2015,
subject to the conditions as laid down under Section 438(2) of the
Cr.P.C.

(Anjana Mishra, J.)

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