

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47205 of 2016

Arising Out of PS.Case No. -264 Year- 2015 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

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1. Sharif Gaddi, son of Lal Bahadur Gaddi,
 2. Bachha Gaddi, son of Late Bhola Gaddi, both resident of village-
Gadiyani Tola, P.S. Shikarpur, District-West Champaran.
 3. Samod Mahto, son of Late Deep Mahto,
 4. Musmat Guljari, D/o Late Deep Mahto, both resident of village-
Champapur, P.S. Shikarpur, District-West Champaran.
 5. Sheikh Amrud @ Amrud Gaddi, son of Late SK.Shakur, Resident of
village-Rakhahi, P.S. Shikarpur, District-West Champaran.
 6. Om Prakash Sharma, son of Ramesh Sharma, Resident of village-
Gadiyani Tola, P.S. Shikarpur, District-West Champaran.
 7. Mahboob @ Sheikh Mahboob, son of Late Sheikh Shakur, Resident of
village-Rakhahi, P.S. Shikarpur, District-West Champaran.
 8. Nakched Gaddi, son of late Hussain Gaddi,
 9. Medu Gaddi, son of Late Bali Gaddi,
 10. Mustakim Gaddi, son of Khalil Gaddi,
 11. Rasool Gaddi, son of Ramnath Gaddi,
 12. Manager Gaddi, son of Late Bhagrasan Gaddi,
 13. Jalim Gaddi, Son of Late Manan Gaddi,
 14. Jajul Gaddi, son of Mahanth Gaddi,
 15. Aalim Gaddi, Son of Late Bhola Gaddi,
 16. Kalamuddin Gaddi, Son of Medu Gaddi,
 17. Shamsul Gaddi, son of Jalil Gaddi, All resident of village- Gadiyani
Tola, P.S. Shikarpur, District- West Champaran.
 18. Sheikh Shamshad, son of Sheikh Anish, Resident of village-Dhobaha,
P.S. Shikarpur, District-West Champaran.
 19. Liladhar Mahto,
 20. Budhan Mahto, Both sons of Late Deep Mahto, Resident of village –
Champapur, P.S. Shikarpur, District-West Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Rabindra Kumar

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 15-12-2016

Heard learned counsel for the petitioners and the learned

A.P.P. for the State.



The petitioners apprehend their arrest in connection with Shikarpur P.S. Case no. 264 of 2015, registered under Sections 420, 467, 468, 471 and 387 of the Indian Penal Code.

The accusation is that 10 katha, 15 dhoor of land of Plot No. 86, 37, 38 of Khata No. 115, Area 10.15 was purchased to the daughter of Raiyat, whose name was in the Khatihan on 12.10.1987 since then the complainant Yaqub Khan and his family members are coming in possession. Accused No. 1 to 4 filed Title Suit No. 158 of 1988 in the year 1988 in respect to that land, which was dismissed thereafter, criminal case was also filed under Section 420 of I.P.C. which was also dismissed on 17.03.1993. In spite of the aforesaid order accused No. 1 to 4 tried to trespass over his land then complaint was filed Title No. 37 of 2009 in which four witnesses have been examined. In the meantime, on 15.10.2014 the accused petitioners got registered the forged sale deed in their favour to the accused No. 1 to 4. Thereafter, complainant made them also defendants in the Title No. 37 of 2009. The accused-petitioners are giving threatening to dispossess from land and also made demand of ransom of Rs. 5,00,000/-

Learned counsel for the petitioners submits that on the basis of the Complaint Case No. 1099 (C) of 2015 filed by Yaqub Khan, Sikarpur P.S. Case No. 264 of 2015 is instituted under Sections 420, 467, 468, 471 and 387 of the I.P.C. against 22 accused named in the F.I.R. including the petitioners under Section 156(3) of Cr.P.C.



After investigation, Police filed Final Form, but the learned Chief Judicial Magistrate took the cognizance under Sections 420, 467, 468, 471 and 387 of I.P.C. Further submission is that petitioners have falsely been implicated in this case with ulterior motive. Moreover, the allegations made in the complaint, which the basis of the F.I.R. is civil in nature.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bettiah, West Champaran in connection with Shikarpur P.S. Case No.264 of 2015, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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