

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38142 of 2016

Arising Out of PS.Case No. -226 Year- 2015 Thana -SIWAN CITY District- SIWAN

- =====
1. Rajiv Kumar s/o Sri Raghav Singh, resident of Village- Mauza Paltu Hata, P.S.- Jamo Bazar, District- Siwan.
 2. Bikarma Manjhi s/o Late Sukan Manjhi.
 3. Ram Awatar Manjhi s/o Late Somari Manjhi.
 4. Lalan Manjhi s/o Late Somari Manjhi.
 5. Dharmdeo Manjhi s/o Late Jagan Manjhi.
 6. Most. Jiyani Kuer w/o Late Binesar Manjhi.
 7. Birendra Manjhi s/o Bikarma Manjhi All are resident of Village- Lalahata, P.S- Jamo Bazar, P.O- Paltu Hata District- Siwan.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioners : Mr. Ranjan Kumar Dubey, Advocate.

For the Opposite Party : Mr. Tarkeshwar Nath Thakur, APP.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 22-10-2016 Heard both sides.

The petitioners apprehend their arrest in Siwan Town P.S. Case No. 226 of 2015 registered for the offences punishable under Sections 120B, 467, 468 and 471 of the Indian Penal Code.

The informant filed the complaint petition on the basis of which the present FIR was lodged. The informant alleged that on 22.02.2013 he purchased 1 Kattha 10 Dhurs of land of Khesra No. 229, Khata No. 18 of Village Lalahata, P.S. Jama Bazar, District-Siwan from Bachha Singh and Birendra Singh on payment of consideration of Rs. 1,35,000/-. The informant further



alleged that Khatiyani Raiyat of the land was Lila Dusadh but Lila Dusadh sold the land in favour of ancestors of Bachha Singh and Birendra Singh, vide Jamabandi No. 13/294 the land was standing in the name of Bachha Singh and Birendra Singh, but petitioner no. 1 purchased the land from petitioner no. 2 to 6 who claim themselves to be the legal heirs of Lila Dusadh. Petitioner no. 7 is identifier of the sale deed.

Learned counsel for the petitioners submits that the petitioners did not commit any fraud. The land was standing in the name of Lila Dusadh and his legal heir executed the sale deed in favour of petitioner no. 1. The informant filed Title Suit No. 28 of 2015 for setting aside the same sale deed executed in favour of petitioner no. 1 and petitioner no. 1 has already appeared in the suit.

Learned counsel for the informant as well as learned APP vehemently opposed the prayer for anticipatory bail of the petitioners.

On the face of it, it appears that the dispute is of civil nature, the petitioner no. 1 got the sale deed executed in his favour by petitioner no. 2 to 6, as petitioner no. 2 to 6 are the legal heirs of Lila Dusadh who is the Khatiyani Raiyaat of the land and the complainant/informant has not produced the sale deed executed

by Lila Dusad in favour ancestors of Bachha Singh and Birendra Singh.

Considering the facts aforesaid, the petitioners above named, 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, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Siwan in Siwan Town P.S. Case No. 226 of 2015, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J.)

KKSINHA/-

U		T	
---	--	---	--