

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29667 of 2016

Arising Out of PS.Case No. -172 Year- 2016 Thana -BUXAR TOWN District- BUXAR

- =====
1. Jay Kishore Sah, Son of Late Muni Lal Sah.
 2. Manoj Sah @ Manoj Kumar Sah Son of Jay Kishore Sah.
- Both residents of Village- Mahila, P.S. Itarhi, District- Buxar

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Mustaque Alam, A.P.P.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 01-09-2016 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 420, 467, 468, 471, 472/34 of the Indian Penal Code.

As per allegation, the petitioner no.1, in whose favour one Bidyawati Devi had executed a sale deed, had produced fake coloured Xerox copy of receipt and had obtained original copy of sale deed from the office of Sub-Registry by submitting that.

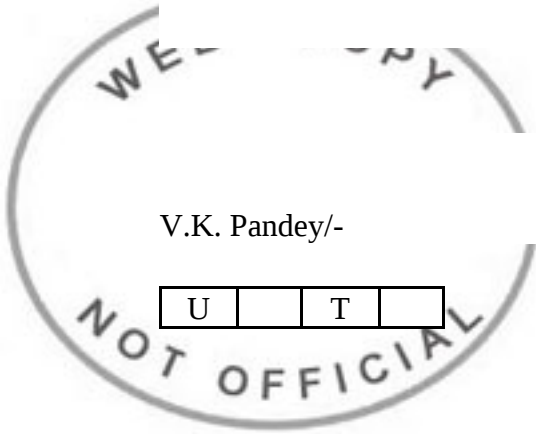
It is contended that there was no occasion for the petitioners to produce coloured Xerox copy of receipt for the purpose of obtaining original copy of sale deed inasmuch as the original receipt was in possession of the executant and it was she who could have handed over the receipt to the petitioners. If the



receipt is fake then the aforesaid Bidyawati Devi would be responsible and not the petitioners as they were never in possession of the original receipt. It is stated before the Sessions Judge on behalf of the State that since Rs.2,50,000/- was still to be paid by the petitioners, therefore, the executant had kept the receipt with herself. That also falsified stands from the perusal of the copy of the sale deed in which it is endorsed that Bidyawati Devi had executed the sale deed after receiving the total consideration amount of Rs.5,00,000/-. It is submitted that in fact said Bidyawati Devi, after execution of the sale deed, became greedy and, thus, had very cleverly handed over the coloured Xerox copy of receipt on which case has been instituted only with a view to somehow grab Rs.2,50,000/- again from them though the entire consideration money was already paid.

Having regard to the facts and circumstances of the case, let the petitioners, namely, Jay Kishore Sah and Manoj Sah @ Manoj Kumar Sah be released on bail in the event of their arrest/surrender before the court below within a period of six weeks from today in connection with Buxar Town P.S. Case No.172/2016, on furnishing bail bonds of Rs.10,000 (Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Buxar subject to the

conditions as laid down under sub-section (2) of Section 438 of
the Code of Criminal Procedure.



(Dr. Ravi Ranjan, J)