

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46431 of 2016

Arising Out of PS.Case No. -117 Year- 2014 Thana -CHATOUNI District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Bhikhari Sah, Son of Late Jamuna Sah.
 2. Mahesh Sah, Son of Late Pana Lal Sah.
 3. Chandan Kumar, Son of Ram Narayan Sah.
 4. Narendra Kumar, Son of Deo Narayan Prasad Yadav.
 5. Arbind Kumar, Son of Bhikhari Sah. All are residents of Mohalla-Mathiya, P.S. Chhatauni, District- East Champaran at Motihari.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shyama Kant Singh
For the Opposite Party/s : Mr. Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 28-11-2016 Heard both sides.

The petitioners apprehend their arrest in Chhatauni P.S. Case No. 117/2014, registered for the offences punishable under Sections 147, 148, 149, 323, 384, 420, 467, 471, 504, 506 and 34 of the Indian Penal Code.

The informant filed a complaint case on the basis of which the present FIR is lodged. The informant alleged that Bhikhari Shah had agreed to sell a piece of land of Khata No. 100, Khesra No. 67, Area 8 dhoors in favour of wife of the informant and the deed of agreement to sale was also prepared but Bhikahri Shah did not execute the sale deed for that wife of the informant

filed Title Suit No. 379/2012 for specific performance of contract but in the meantime, Bhikhari Shah illegally executed sale deed in favour of Mahesh Shah (Petitioner No. 2), Chandan Kumar (Petitioner No. 3) and Narendra Kumar (Petitioner No. 4).

Learned counsel for the petitioners submits that the dispute is of civil nature. Petitioner No. 1 did not execute any deed of agreement to sale the land in favour of the wife of the informant.

Considering the facts aforesaid and the fact that the contents of the FIR itself shows that the dispute is of civil nature, 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, 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, East Champaran at Motihari in connection with Chhatauni P.S. Case No. 117/2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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