

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16664 of 2016

Arising Out of PS.Case No. -178 Year- 2015 Thana -BISFI District- MADHUBANI

1. Prem Nath Sah @ Prem Nath Prasad
2. Vinay Kumar Sah @ Vinay Kumar Prasad
3. Subodh Kumar Sah @ Subodh Kumar Prasad
4. Satish Kumar Sah @ Satish Kumar Prasad
5. Deepak Kumar Sah @ Deepak Prasad
All Sons of Sri Krishna Prasad Sah, Resident of Mohalla- Chahuta, Police
Station Bisfi, District Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

With

Criminal Miscellaneous No.16666 of 2016

Arising Out of PS.Case No. -178 Year- 2015 Thana -BISFI District- MADHUBANI

Krishna Prasad Sah @ Sri Krishna Prasad Son of late Janki Prasad Resident
of Mohalla- Chahuta, Police Station Bisfi, District Madhubani

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance:

(In Cr.Misc. No.16664 of 2016)

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate.

For the Opposite Party/s : Mr. Braj Kishore Pd., A.P.P.

(In Cr.Misc. No.16666 of 2016)

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate.

For the Opposite Party/s : Mr. Braj Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 14-07-2016 Heard both sides.

The petitioners in Cr. Misc. No. 16664/2016, namely,
Prem Nath Sah @ Prem Nath Prasad, Vinay Kumar Sah @ Vinay
Kumar Prasad, Subodh Kumar Sah @ Subodh Kumar Prasad,
Satish Kumar Sah @ Satish Kumar Prasad, Deepak Kumar Sah @

Deepak Prasad, and the petitioner in Cr. Misc. No. 16666/2016, namely, Krishna Prasad Sah @ Sri Krishna Prasad, apprehend their arrest in Bisfi P.S. Case No. 178/2015 registered under Sections 467, 468, 471, 420, 120B of the Indian Penal Code.

The informant filed a complaint, on the basis of which, the present FIR is lodged making allegation that he purchased the land from one Kailash Pati Sah but the accused persons including the petitioners put hindrance in his possession. The informant filed Demarcation Case No. 131/2013, in which from the side of the informant, a Khatiyani was filed and from the side of the petitioners also, another Khatiyani standing in the name of late Randhir Prasad Sah was filed. It is submitted that the petitioners also got the Khatiyani but merely on the report of the Halka Karamchari, the case is filed. If any forged document is filed in any proceeding of the court, there is a provision under Section 340 of the Code of Criminal Procedure to hold an enquiry on the petition filed by an aggrieved party and lodge a case.

Considering the facts aforesaid and the fact that both sides have filed Khatiyans and there is nothing on the record to show that the Khatiyani filed by the petitioners is a forged one, the above named petitioners, in the event of their arrest or surrender before the learned 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 Sri R.K. Rajak, Judicial Magistrate, 1st Class, Benipatti, Madhubani in Bisfi P.S. Case No. 178/2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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