

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36594 of 2016

Arising Out of PS.Case No. -48 Year- 2014 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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1. Pankaj Mishra, son of Late Prem Chandra Mishra
 2. Ranjan Mishra, son of Late Prem Chandra Mishra
 3. Shail Kumari Mishra, Wife of Late Prem Chandra Mishra
 4. Tudhi Devi @ Tudhu Devi @ Tuddu Devi, Wife of Pankaj Mishra,
- All Sl. Nos 1 to 4 are residents of Village Rai Patti, Ward No.8, P.S. Dighwara, District- Saran ,Chapra.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ram Pravesh Singh, son of Late Raj Vallabh Singh, aged about, 60 years, resident of Village- Fatehpur, Sahbajpur, P.S- Raghobpur, District- Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Pandey, Advocate.
For the Opposite Party/s : Mr. Dashrath Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 17-09-2016 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Complaint Case No. 48(C) of 2014 registered under Sections 420, 467, 468, 471, 504, 506 and 120(B) of the Indian Penal Code.

The allegation of informant, Ram Pravesh Singh, is that he purchased 1.33 acres land at Mauja Rampur and 1.10 acres land at Mauza Fatehpur through registered sale deeds dated 19.12.1984 and 07.01.1986 respectively from Mahavir Choubey and he is in possession of both plots. Petitioner no. 3, Shail



Kumari Mishra is daughter of late Mahavir Choubey and petitioner nos. 1 and 2 are sons of petitioner no. 3 whereas petitioner no. 4 is the wife of petitioner no. 1. Mahavir Chobey died on 01.11.1994 at his native village Fatehpur and his last rites was performed there but all petitioners under conspiracy in order to grab the purchased land of the complainant-informant got prepared forged death certificate of late Mahavir Choubey showing his death on 27.10.1979 while Mahavir Choubey had appeared as a witness on 09.03.1983 in the court of Musnif II, Hajipur in Title Suit No. 248 of 1974/84 of 1981. When complainant came to know about this fact in the month of November, 2014, he obtained papers and came to know that petitioners are talking to sale the land of Khata No. 236, Plot Nos. 758 and 1838 situated in village Fatehpur. On protest, the complainant-informant was abused and warned by the petitioners while he is paying the rent to the Government of Bihar.

Learned counsel for the petitioners submits that, in fact, Mahavir Choubey died in the year 1979 and after his death, the names of petitioner no. 3, Shail Kumari Mishra, Roshni Mishra mutated in the revenue records with regard to Plot Nos. 758 and 1838 and other plots situated in Khata No. 236 of Mauja Rampur and only to give undue pressure the present case has been

instituted by the informant.

Considering the aforesaid submissions, let the above named petitioners be released on bail, in the event of arrest or surrender before the learned Court below within a period of six 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 J.M. Ist class, Vaishali, in connection with Complaint Case No. 48(C) of 2014, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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