

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20171 of 2016

Arising Out of PS.Case No. -96 Year- 2016 Thana -KHAGARIA District- KHAGARIA

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1. Pushpa Devi Wife of Arun Kumar
 2. Arun Kumar son of Late Krishna Prasad
 3. Deepak Kumar Son of Arun Kumar all Residents of Vidyadhar, Ward No. 6, Police Station Khagaria District Khagaria.
 4. Shailendra Kumar alias Shailesh Kumar Son of Jawahar Prasad, Resident of Nagar Palika Road, Ward No. 11, Police Station Khagaria, District- Khagaria.
 5. Mukesh Sah son of Krishna Sah, Resident of Rajendra Nagar, Sanhauli, Police Station Khagaria (Chitragupta Nagar), District Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar
- Opposite Party/s
- =====

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh

For the Opposite Party/s : Mr. Anil Kr. Singh -1 (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 06-05-2016 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 323, 324, 448, 449, 420, 468, 471, 120B of the Indian Penal Code.

The prosecution case is that father of informant, Late Satya Narayan Mishra, got executed a Hibbanama on 04.12.1956 from Late Baidyanath Prasad @ Baiju Babu. Subsequently, name of father of informant was mutated and rent receipts were obtained. On 03.03.2015 Anand Kumar, grand son of aforesaid Baidyanath Prasad @ Baiju Babu, executed a sale deed with regard to same land in favour of petitioner No.1, Pushpa Devi. On 30.07.2015 at 9 A.M. the

accused persons came and threatened to vacate the land in question. Petitioner No.2 and 3 are husband and son of petitioner No.1 whereas petitioners Nos. 4 and 5 are witnesses to the sale deed.

It is submitted by the learned counsel for the petitioners that petitioner No.1 is a bonafide purchaser. There is no specific accusation against petitioners No.2 and 3. The petitioners No.1, 4 and 5 have no criminal antecedent. Though, the petitioners No.2 and 3 are accused in one other case but that case was also lodged at the behest of informant of the present case.

Considering that the accusation has been levelled in the background of land dispute, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Khagaria in connection with Khagaria P.S. Case No. 96 of 2016 subject to the conditions as laid down under Section 438(2) Cr.P.C.

BKS/-

(Dinesh Kumar Singh, J)

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