

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18168 of 2017

Arising Out of PS.Case No. -15 Year- 2016 Thana -TARABARI District- ARRARIA

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1. Md. Murshid, Son of Late Shakil
2. Md. Arshid, Son of Late Shakil
3. Md. Khurshid, Son of Late Shakil All are residents of village - Baturabari
Tola Jhauwa, P.S. - Tarabari, District - Araria.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Vijay Kumar, Advocate.

For the Opposite Party : Mr. B.N. Pandey, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 16-05-2017 Heard both sides.

Learned counsel for the petitioners submits that
petitioner no. 2 Md. Arshid had already been arrested.

Accordingly, prayer for anticipatory bail of the
petitioner no. 2 Md. Arshid is dismissed as has become
infructuous.

The petitioners apprehend their arrest in Tarabari P.S.
Case No. 15 of 2016 registered for the offences punishable under
Sections 406, 420, 467, 468, 471 and 120(B) of the Indian Penal
Code.

The informant filed the complaint case on the basis of
which the present FIR was registered. The informant alleged that



he is in possession of Plot No. 2292, 2339 of Khata No. 1173 situated in Village Baturbari measuring area of 1.06 acres and he is in cultivating possession of the land. While the informant was harvesting paddy crops, the petitioners came and asked the informant not to harvest the crops. The petitioners disclosed that they had purchased the land from the grandfather of the informant in the year 1975. The informant further alleged that on enquiry, it transpired that the accused persons purchased Plot No. 2291/2293, 2293 and the accused persons made interpolation in the registered sale deed and inserted Plot No. 2292 in place of 2293.

Learned counsel for the petitioners submits that, in fact, the sale deed was executed in the year 1975 and the petitioners purchased three plots i.e. 2291, 2293 and 2292 of Khata No. 1173 but, due to inadvertence in place of Plot No. 2292, 2293 was written twice. The petitioners have filed suit for correction in the sale deed.

On the other hand, learned counsel for the informant vehemently opposed the prayer for anticipatory bail of the petitioners and submitted that the petitioners made interpolation. It appears that the dispute relates to correction of the deed and for which proper remedy is civil suit.

Considering the nature of allegations made against the



petitioners, the petitioners Md. Murshid and Md. Khurshid 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 Additional Chief Judicial Magistrate, 5th, Araria in Tarabari P.S. Case No. 15 of 2016, 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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