

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11961 of 2017

Arising Out of PS.Case No. -83 Year- 2016 Thana -KHAGARIA District- KHAGARIA

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1. Jhabar Mishra, son of Late Ram Pravesh Mishra,
2. Chhotan Kumar Mishra,
3. Abdhesh Mishra @ Awadhesh Mishra,
Both sons of Jhabar Mishra, All resident of Village Rampur, P.S.- Bakhri,
Dist- Begusarai.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Deo Raj
For the Opposite Party/s : Mr. Sri Ram Bilash Roy Raman

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 28-04-2017 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

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

The wife of petitioner Jhabar Mishra sold away the
referred land to the complainant through registered sale deed in
the year 1990. The petitioner Jhabar Mishra and his two sons
petitioners Chhotan Kumar Mishra and Abdhesh Mishra @
Awadhesh Mishra along with one more son Binod Kumar Mishra
sold the same land in favour of co-accused Sudama Devi.

Submission of the petitioners is that the real



persons who have been cheated in the transaction are the purchasers for consideration from a non-title holder and not the complainant because no one can transfer a better title than he himself possessed.

Learned counsel for the State opposed the prayer for bail on the ground that petitioner Jhabar Mishra was the witness on the sale deed executed by his wife and he had knowledge that the land was already sold by his wife. Hence, he could not have sold it.

Even if his submission is accepted the persons who are cheated are the purchasers.

Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria/Successor Court in connection with Khagaria (Chitragupta Nagar) P.S. Case No.83 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and subject to the further condition that petitioners shall fully cooperate with the investigation and trial of



the case, failing which the Court below shall be at liberty to take steps for cancellation of the bail bonds of the petitioners in this case.

(Birendra Kumar, J)

Arvind/-

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