

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7724 of 2017

Arising Out of PS.Case No. -232 Year- 2015 Thana -DARBHANGA COMPLAINT CASE District-
DARBHANGA

- =====
1. Asha Devi, Wife of Arun Panjiyar, Resident of Village- Panda Sarai, P.S.- Bahadurpur Ward No. 48, District- Darbhanga.
 2. Rakesh Kumar Mahto, Son of Chulahai Mahto, Resident of Village- Marukiya, P.S. Andhra Thardhi, District- Madhubani.
 3. Shyam Kumar Sharma, Son of Parmeshwer Sharma, Resident of Village- Ratno Patti, P.S.- Sadar Darbhanga, District- Darbhanga.
 4. Om Kumar Son of Shambhu Seth, Resident of Village- Singhiya, P.S. Bibhutipur, District- Samastipur.

.... Petitioners

Versus

1. The State of Bihar.
2. Arun Panjiyar, Son of Late Ramanand Panjiyar, Resident of Village- Panda Sarai, P.S.- Bahadurpur, Ward No. 48, District- Darbhanga.

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Gagan Deo Yadav, Advocate

For the Opposite Parties : Mr. Sri Ramchandra Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

4 18-05-2017 Heard learned counsel for the petitioners, learned counsel for the complainant and learned counsel representing the State.

The petitioners apprehend their arrest in connection with Complaint Case No. 232 of 2015, registered for the offences punishable under Sections 420, 406, 120(B), 379/34 of the Indian Penal Code.

Allegedly, the petitioner no.1 got executed a sale deed with respect of 10 dhurs of land from mother of the



complainant and it is alleged that the petitioner no.1 is trying to sale that land over which house is standing. It is also alleged that the petitioner no.1 is living with other petitioners in adultery.

Submission is of false implication and that petitioner no.1 is the wife of the complainant, petitioner nos. 2, 3 and 4 are the witnesses of the sale deed they are not the beneficiary. The mother-in-law of petitioner no.1 has voluntarily executed the sale deed with respect to 10 dhurs of land and after purchase the petitioner no. 1 is in possession. It is wrong to say that the petitioner no.1 is living with other petitioners and all these allegations have been levelled falsely and, as such, the petitioners deserve sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the complainant opposes the prayer of pre-arrest bail by submitting that the house has been purchased showing the same as *parti* land and, as such, the forgery has been committed.

In the facts and circumstances as stated above, considering that nature of dispute is purely civil in nature, the mother of the complainant has filed Title Suit also for the said land and, as such, the petitioners in the event of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall 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 Judicial Magistrate-IIInd, Darbhanga, in connection with Complaint Case No. 232 of 2015, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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