

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11094 of 2017

Arising Out of PS.Case No. -1629 Year- 2016 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

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1. Ramjan Mian @ Fatinga Mian, S/o Late Nathuni Mian,
 2. Md. Kalam Mian @ Kalam Mian, S/o Late Esha Mian.
 3. Arman Mian @ Arman S/o Ramjan Mian @ Fatinga Mian. All three R/o Village Bhoj Nagar Ward No. 18, P.S. Sugauli, District- East Champaran, At present R/o Village- Bashant Tola, P.S.- Muffasil Betiah, District- West Champaran.
 4. Dahari Sah, S/o Mathura Sah,
 5. Azizullah Ansari @ Dara Mian @ Dara, S/o Late Suleman Mian @ Suleman Ansari, Both 4 and 5 Resident of Village- Bangra, P.S.- Sugauli, District- East Champaran.
 6. Reyazul Haque, S/o Late Manjar Mian, Resident of Village- Belwatiya, P.S.- Sugauli, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Jay Prakash Narayan S/o Late Chhotelal Prasad @ Chhotelal Sah @ Chhotelal Pd. Sah, Resident of Village- Sugauli Ward No. 17, P.O. + P.S. Sugauli, District- East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Smt. Indu Bala Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 17-03-2017 Heard learned counsel for the petitioners, learned counsel for the complainant and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 384/419/420/467/468/471/120B/34 of the Indian Penal Code.

Allegation in the complaint petition is that petitioner



Nos.1 and 2 have executed registered sale-deed in favour of petitioner No.4. Other petitioners are identifier and the witnesses of the sale-deed. Further allegation is that they have executed the sale-deed in respect of the land of opposite party No.2, who is the complainant of the case, with intent to cheat and fraud to opposite party No.2.

Learned counsel for the petitioners submits that even if allegation assumed to be correct the person who has been cheated in the transaction are the purchasers and not the person who claims to be the real title holder. This fact has already been settled after judgment in Md. Ibrahim V. State of Bihar. His next contention is that other allegation is off suit of the aforesaid civil dispute.

Learned counsel for the complainant opposed the prayer on the ground that on the basis of the created document aforesaid, the accused persons are threatening the complainant and demanding ransom.

Considering the entire facts and circumstances, 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 anticipatory 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, Motihari, East Champaran/Successor Court in connection with Complaint Case No.C-1629 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Mkr./-

(Birendra Kumar, J)

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