

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28841 of 2017

Arising out of P.S. Case No.768 Year 2016 Thana MOTIHARI TOWN District
EASTCHAMPARAN (MOTIHARI)

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1. Krishna Mohan Prasad Chaudhan @ Krishna Mohan Mahto, Son of Ramchandra Mahto, R/o Chandrahiya, P.S. Motihari Mufasil, District East Champaran
 2. Gyatri Devi Sultani, W/o Om Prakash Sultani, R/o Agarwa Ward No. 31, P.S. Motihari Town, District East Champaran
 3. Bhairo Mahto, Son of Gajju Mahto, Resident of Village Suryapur, P.S. Pipra Kothi, District East Champaran
 4. Krishna Kishore Tiwary, Son of Late Dev Nandan Tiwary
 5. Pramal Kishore Tiwary, Son of Late Dev Nandan Tiwary
 6. Ashok Kishore Tiwary, Son of Late Dev Nandan Tiwary
 7. Akash Tiwary, Son of Chandra Kishore Tiwary
 8. Munna Tiwary, Son of Chandra Kishore Tiwary
 9. Ranjeet Kishore Tiwary, Son of Krishna Kishore
All are residents of Village Chandrahiya, P.S. Motihari Mufassil, District East Champaran
 10. Manoj Kumar, Son of Uma Shankar Srivastava, R/o Mohalla Chandmari, P.S. Motihari Town, District East Champaran
 11. Om Prakash Sultania, Son of Late Banarshilal Sultaniya, R/o Agarwa Ward No.31, P.S. Motihari Town, District East Champaran

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Sinha

For the Opposite Party/s : Mr. Sri Rajendra Prasad Nat

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

2 01-07-2017 Heard learned counsel for the petitioners and the learned APP appearing on behalf of the State.

Petitioners apprehend their arrest in connection with Motihari Town P.S. Case No.768 of 2016 registered under Sections 420, 467, and 468/34 of the Indian Penal Code.

Allegation is that petitioners no.4 to 6 executed sale deed in favour of petitioner no.2, with respect to the land purchased,



long back by father of the informant. Rest other accused persons are said to be conspirators.

Learned counsel for the petitioners submits that father of petitioners no.4 to 6 and father of informant were full brothers and oral partition took place in 1970. The petitioners have sold their share and petitioner no.4 has also filed a partition suit bearing no.396 of 2016.

The learned APP opposes the prayer.

Having considered the aforesaid facts and circumstances, as the dispute primarily appears civil in nature, in the event of arrest/surrender within four weeks from the date of receipt of this order to the concerned court, let the petitioners, named above, be released 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 Chief Judicial Magistrate, East Champaran, Motihari in connection with Motihari Town P.S. Case No.768 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Arun Kumar, J.)

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