

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25221 of 2017

Arising Out of PS.Case No. -779 Year- 2016 Thana -SITAMARHI District- SITAMARHI

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1. Murari Prasad Hisariya son of Late Nathmal Hisariya
 2. Murli Manohar Hisariya, son of Murari Prasad Hisariya.
 3. Aayush Hisariya @ Aayush Kumar, son of Murari Prasad Hisariya
 4. Renu Devi Hisariya, wife of Murari Prasad Hisariya.
 5. Puja Hisariya wife of Murli Manohar Hisariya,
All residents of Mohalla- Court Bazar, Ward No. 11, Sitamarhi, P.S. &
District- Sitamarhi.
 6. Arun Kumar Mittal, son of Late Narayan Prasad Mittal, resident of
Janjampur Road, Pupri, P.S.- Pupri, District- Sitamarhi, presently
residing at Chapati Foods Tiffin Center, Talbandi near Radha Krishna
Temple Kota (Rajasthan)

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s	:	Mr. N. K. Agarwal, Sr. Advocate Mr. Vijay Anand, Advocate
For the State	:	Sri Ram Naresh Ray, APP
For O.P. No. 2	:	Mr. Phulendra Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 01-07-2017 Heard learned counsel for the petitioners, learned
counsel for the State and learned counsel for the complainant.

The petitioners seek pre-arrest bail in connection with
Sitamarhi P. S. Case No. 779 of 2016 registered under Sections
420, 406, 380, 467, 468, 471, 474/34 and 120-B of the Indian
Penal Code.

It is stated on behalf of petitioners that after having



knowledge of the institution of Title Suit No. 319 of 2016 just to create pressure upon the petitioners, a false and fabricated case has been instituted. It is contended that on the basis of a family arrangement made on 15.02.2014, the petitioners applied for mutation which was registered as Case No. 9359 of 2014-15 in which order has been passed and Jamabandi No. 6901 has been created in favour of the petitioners instead of 1829 and rent receipt has also been granted in favour of the petitioners. On the basis of these submissions, it is stated that a dispute of civil nature has been given a colour of criminal case in the complaint which was sent to the police for investigation pursuant to which the present FIR has been instituted.

On the other hand, learned counsel for the complainant has submitted that it is a case in which the petitioners have not only forged certain documents, but they have also committed criminal breach of trust by filing a false claim before the revenue authorities in respect of land owned by the complainant.

Keeping in mind the nature of allegations as also the fact that the petitioners are closely related to the complainant, in the event of arrest or surrender before the court below within six weeks from today, the petitioners named



above are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in Sitamarhi P. S. Case No. 779 of 2016, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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