

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21334 of 2017

Arising Out of PS.Case No. -366 Year- 2016 Thana -JAMUI District- JAMUI

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1. Pratima Singh @ Pratibha Singh, Wife of Kaushal Kishore Singh
 2. Kaushal Kishore Singh, Son of late Suresh Chandra Singh, Resident of By-pass Road Mahisouri, Near Surya Clinic P.S. & District - Jamui.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Sanjay Kumar Mishra, Advocate

For the Opposite Party : Mr. Sri Jagdhar Prasad (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 05-07-2017 Heard learned counsel for the petitioners, learned counsel for the informant and learned counsel representing the State.

The petitioners apprehend their arrest in connection with Jamui P.S. Case No. 336 of 2016, registered for the offences punishable under Sections 420, 467, 468, 471, 120B of the Indian Penal Code.

Allegedly, the petitioner no.2 created forged sale deed dated 04.08.1976 in the name of petitioner no.1 and on that basis they want to grab the land of the complainant and further on that basis the petitioners got forged rent receipts and started executing sale deeds in favour of other persons only with a view to disturb the possession of the complainant, earlier no case was



filed.

Submission is of false implication and that the complainant has filed Title Suit no. 40 of 2014 against the petitioners and others in the Court of Sub-Judge-1st, Jamui, vide Annexure-2, wherein the petitioners have already appeared and thereafter only with a view to harass filed this false case after making wrong allegation that no case was filed from earlier. The dispute cannot be decided in Criminal Court rather the competent Court is Civil Court where the complainant had already approached and, as such, the petitioners deserve sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of pre-arrest bail by submitting that the petitioners have created forged and fabricated sale deed of the year 1976 and on that basis got issued rent receipt also after bringing other accused in collusion and further tried to disturb the title and possession of the complainant after executing sale deeds in favour of others. During investigation, the I.O. has found the hands of the petitioners in preparing the forged sale deed.

In the facts and circumstances as stated above, considering that Title Suit No.40 of 2014 is going on between the



parties and the dispute appears purely on Civil nature 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 Chief Judicial Magistrate, Jamui, in connection with Jamui P.S. Case No. 366 of 2016, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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