

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 40519 of 2016

Arising out of P.S. Case No. - 1550 Year - 2009 Thana - SIWAN COMPLAINT CASE District - SIWAN

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1. Smt. Kanti Devi, Wife of Shambhu Singh
 2. Shambhu Singh, Son of Late Gopal Singh, Both 1 and 2 are resident of Village - Pakwaliya Tola, Baluwa, P.S. - Darunda, District - Siwan
 3. Rama Shankar Singh, Son of Late Shiv Jagat Singh
 4. Akhilesh Kumar Singh @ Akhilesh Singh, Son of Jimdar Singh, Petitioner No. 3 and 4 are resident of Village - Sonbarsa, P.S. - Gautamnagar Tarwara, District - Siwan
 5. Dilip Kumar Srivastawa (Deed Writer), resident of Village - Siyadi, P.S. - Siwan Mufassil, District - Siwan

.... Petitioners

Versus

1. The State of Bihar.
2. Shail Kumari, Wife of Vidya Singh, Resident of Village - Pakwaliya, Tole - Balua, P.S. - Daraunda, District - Siwan

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Ranjeet Kumar, Advocate
For the Opposite Parties : Md. Nazir Ansari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 03-02-2017 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 417, 465 and 468/34 of the Indian Penal Code.

Father-in-law of petitioner no. 1 Kanti Devi executed a registered sale deed in favour of petitioner no. 1 Kanti Devi. Other accused petitioners were either witness or identifier on the



said sale deed. The complainant was also another daughter-in-law of the executant of sale deed. After death of seller complaint petition was filed with allegation that he was not in a mental and physical condition to voluntarily take decision and everything has been managed by forged and fabricated document.

Submission of the petitioners is that civil suit brought by the complainant has been dismissed for non-prosecution and thereafter the complainant took no steps for restoration of the same and just to harass, the present false case has been lodged.

Learned counsel for the complainant opposed the prayer for bail.

After hearing the parties, the order of provisional bail dated 28.09.2016 passed in this case stands confirmed in connection with Complaint Case No. 1550 of 2009 (Trial No. 2190 of 2015) pending in the Court of learned Sub-Divisional Judicial Magistrate, Siwan.

Accordingly, the application stands allowed.

(Birendra Kumar, J.)

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