

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54015 of 2017

Arising Out of PS.Case No. -16 Year- 2017 Thana -BETTIAH CITY District-
WESTCHAMPARAN(BETTIAH)

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Hariom Prasad @ Hariom Shahi, son of Rajnandan Prasad @ Rajnandan Shahi, R/o Village- Mohachhi Nain, P.S.- Gopalpur, Anchal-Chanpatia, District- West Champaran, at present resident of Village- Desua, P.O.- Bhagwanpur Desua, P.S.- Ujiyarpur, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Dr. Vijay Nandan Shahi, son of Late Sharda Prasad Shahi, R/o Village- Mohachhi Nain, P.S.- Gopalpur, Anchal-Chanpatia, District- West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 13-11-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with Bettiah Town P.S. Case No.16 of 2017 registered under Sections 420, 467, 468, 471 and 120(B) of the Indian Penal Code.

The accusation is that the complainant/informant/opposite party no.2, who is retired Lieutenant Officer, has agricultural land in village-Bharwalia, P.S. Manjhaulia, Circle-Manjhaulia, District- West Champaran and the same is being cultivated on partition by his parents and he is coming in peaceful possession over the same.



On 06.01.2017, Habdullah, who is looking after the cultivation, informed the complainant/informant/opposite party no.2 that he is being threatened by all the accused, named in the complaint petition, including the petitioner saying that the land has been purchased by them. Then the complainant/informant/opposite party no.2 enquired about the matter in the Registry Office, Bettiah, where he came to know that the father of the petitioner executed the sale deed in respect of his 2 Katha 10 dhoors land of Plot No.73 Khata No.6 of village-Bharwalia, showing his name as Raghunandan Shahi alias Nunu Shahi in place of his original name as Rajnandan Prasad Shahi in favour of Warul Mian and Kalam Mian on which Uma Shankar Tiwary and Surendra Mahto put their signatures as the witnesses.

Learned counsel for the petitioner submits that, in fact, the petitioner is the nephew of the complainant/informant/opposite party no.2 and the present case has been lodged only to put pressure upon the petitioner. Further submission is that the complainant/informant/opposite party no.2 had filed Title Suit No.69 of 2007 against the petitioner and the father of the petitioner for partition of his 7/24th share in different plots of village-Bharwalia including the plot, as detailed in the complaint petition, which is the basis of the present F.I.R., but the said suit



was dismissed on 04.01.2016 but no restoration application has been filed as yet.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bettiah, District-West Champaran, in connection with Bettiah Town P.S. Case No.16 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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