

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10865 of 2017

Arising Out of PS.Case No. -2211 Year- 2013 Thana -SAMASTIPUR COMPLAINT CASE
District- SAMASTIPUR

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1. Jitender Prasad Singh, S/o Late Baleshwar Singh, Resident of village - Raini, P.S. Khanpur, District - Samastipur
2. Jitender Paswan, S/o Mishri Paswan, Resident of village - Manwara, P.S. Khanpur, District - Samastipur
3. Ram Karan Bhagat, S/o Nathuni Bhagat, Resident of village - Sobhan, P.S. Kanpur, District - Samastipur
4. Lal Bahadur Rai, S/o Late Murat Rai, Resident of village - Siropatti, P.S. Khanpur, District - Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. Mithlesh Bhagat, S/o Ram Lakhan Bhagat, Resident of village - Ilmash Nagar, P.S. Kanpur, District - Samastipur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad

For the Opposite Party/s : Mr. Sri Humayou Ahmad Khan

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 24-03-2017

Heard learned counsel for the petitioners and learned
counsel representing the State.

Petitioners apprehend their arrest in connection with
C.R No. 2211 of 2013 registered for the offences punishable
under sections 420, 466, 468, 471, 474, 120B of the Indian Penal
Code.

Allegedly, the petitioners being in collusion and
conspiracy with other co-accused created sale deeds on



09.10.2013 and 10.10.2013 for the land of the complainant and of his younger brother Vishnu Kumar Bhagat.

Submission is of false implication and that no forgery was committed. The original owner has sold the land and the purchasers are in possession. Case is based on complaint petition and the nature of the case is purely civil dispute and it cannot be decided by the criminal court and as such petitioners deserve sympathetic consideration.

Learned APP opposes the prayer of pre-arrest bail by submitting that the petitioners had fraudulently sold the share of the complainant and his younger brother which comes in purview of cheating. The vendors are not the ancestors of the family of the complainant rather they are strangers.

In the facts and circumstances stated above, considering the nature of dispute, the petitioners, in case 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 execution of 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, Samastipur in connection with C.R.No. 2211 of 2013, subject to the conditions as laid down



under section 438(2) of the Cr.P.C

(Jitendra Mohan Sharma, J)

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