

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61627 of 2017

Arising Out of PS. Case No.-129 Year-2014 Thana- ALAMNAGAR District- Madhepura

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1. Shyam Lakhan Singh, S/o Late Bindeshary Singh, R/o Village- Uda, P.S.- Uda-Kishunganj, District- Madhepura.
 2. Naval Singh @ Nawal Prasad Singh S/o Late Haleshwar Singh, R/o Village- Alamnagar P.S.- Alamnagar, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Shiv Chandra Jha S/o Late Jaldhar Jha, R/o Village- Alamnagar, P.S.- Alamnagar, District- Madhepura.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka NandSingh

For the Opposite Party/s : Mr. SRI BHARAT LAL

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-12-2017 Heard learned counsel for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 120B,323,419,465,466,467 and 504 of the IPC.

The prosecution case got initiated on the basis of complaint filed by one Shiv Chandra Jha, which ultimately got registered as police case, on being transmitted under section 156(3) of the Cr.P.C. being Alamnagar P.S. Case No. 129 of 2014. The accusation is that the name of one Laxmi Narayan Singh was wrongly recorded in the current survey Khatian with regard to the land of Plot No. 4123, Khata No. 1876 measuring area 12 decimals whereas name of the father of the complainant and his



uncle Shashidhar Jha were recorded as illegal occupants. However, pursuant to the order passed in Suit No. 4866 of 1978 under section 106 of the B.T. Act the name of the wife of the complainant Bibha Devi was directed to be recorded and since then complainant is in possession of the land. Subsequently, the informant heard rumour of a forged sale deed being registered and came to know that with regard to the land recorded in the name of the wife of the informant, a sale deed was executed by petitioner no. 2, Naval Singh, impersonating one Ram Subhag Singh in favour of Nando Devi. The petitioner no. 1 Shyam Lakhan Singh identified the signature of Ram Subhag Singh, hence, the informant claimed that neither the executant of the sale deed was real owner of the land in question nor did he actually executed the same.

It is submitted by learned counsel for the petitioners that there is nothing on record to suggest that the sale deed was executed by petitioner no. 1 rather it was executed by Ram Subhag Singh and petitioner no. 1 has only identified the signature of Ram Subhag Singh. The real beneficiary is Nando Devi or if Ram Subhag executed the sale deed fraudulently then he is responsible for the same.

Considering the nature of accusation, let the petitioners



above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Udakishunganj in connection with Alamnagar P.S. Case No.129 of 2014.

(Dinesh Kumar Singh, J)

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