

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47224 of 2017

Arising Out of PS.Case No. -239 Year- 2017 Thana -PATORI District- SAMASTIPUR

- =====
1. Vishwanath Mahto, son of late Raj Kumar Mahto,
 2. Rakesh Prasad Mahto @ Rakesh Kumar Rai @ Rakesh Mahto @ Rakesh, son of Yogi Mahto, both are R/o village- Jalalpur, P.S.- Patory (Mohanpur O.P.), District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Rajesh Kumar Singh, Advocate

For the Opposite Party/s : Sri Rajendra Prasad Nat, APP

Mr. Sunil Kumar Thakur, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 09-11-2017

Heard learned counsel for the petitioners and learned

APP for the State as well as counsel for the Informant.

Petitioners apprehend their arrest in **Patory (Mohanpur OP) P.S. Case No.239 of 2017** instituted for the offence under Section(s) 420, 467, 468, 471, 504, 506 Indian Penal Code pending in the Court of the Chief Judicial Magistrate, Samastipur.

It is mentioned in the written report that Informant was coming in possession of the land, in question, since the time of his great-grandfather. Mutation of the land was also done and rent receipts were also issued in his favour. These petitioners illegally got sale deed executed through Urhool Devi with respect to the aforesaid land. The Informant came to know of the fact on



25.06.2017 and thereafter the petitioners started making trouble in his possession. The Informant went to enquire from the accused-petitioners, then they abused him.

Counsel for the petitioners has submitted that family member of Urhul Devi has filed Partition Suit against the Informant vide Partition Suit No.141 of 2011 pending in the Court of Sub-Judge, 1st, Rosera.

From the allegation, it appears that the petitioners illegally got the sale deed executed through Urhul Devi of the land of the Informant, which was coming in his possession since the time of his great grandfather.

In such circumstances, this Court does not find it a fit case for grant of anticipatory bail.

Prayer of the petitioners for grant of anticipatory bail is rejected.

Petitioners may surrender before the Court below and seek regular bail, which shall be considered and disposed off in accordance with law on its own merit without being prejudiced by this order.

(Sanjay Priya, J)

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