

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1199 of 2018

Arising Out of PS.Case No. -698 Year- 2016 Thana -MADHEPURA COMPALINT CASE District-
MADHEPURA

- =====
1. Namralata Prasad, W/o Late Aditya Prasad, Anganbari Savika of Village- Ranippatti, P.S.- Kumarkhand, District- Madhepura.
 2. Ajit Prasad, son of Late Ramendra Prasad, Resident of village Rani Patti, P.s. Kumarkhand, District-Madhepura, At present- Bhatta Bazar, Near Marsha Hotel, P.S. & District- Purnea.

.... Petitioners

Versus

1. The State of Bihar.
2. Smt. Avita Prasad, W/o Sri Avinash Prasad, R/o Ward NO.-20, Madhepura, P.S.+ District- Madhepura.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Smt. Anita Kumari

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 11-01-2018 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with
Compliant Case No. 698 (C) of 2016, registered under Sections 420,
465, 467 and 468 of the Indian Penal Code.

The accusation is that complainant Abita Prasad
purchased 03 katha, 18 dhur land along with house situated over old
Khesra No. 3939 and 3937 of Khata No. 6 new Khesra No. 220 of
Khata No. 6 in Madhepura to Amresh Kumar through sale deed dated
30.01.2016 and she applied for mutation on which basis Mutation Case
No. 846 of 2016 was registered, but in that case Circle office reported



that from Zamabandi No. 33 through Mutation case No. 35 of 2011-12 Zamabandi No. 5636 and 3635 are created in the name of petitioners regarding Khesra contained in the sale deed.

Learned counsel for the petitioners submits that, in fact, the petitioners are co-sharers of Amresh Kumar Yadav, vendor of the complainant and the land is already mutated in the name of petitioners in the year 2012. In respect to mutation order passed in favour of petitioners, the complainant has already filed appeal before the Collector Madhepura after execution of sale deed dated 30.01.2016 by Amresh Kumar Yadav in her favour. Moreover, the dispute is of civil in nature. The petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the S.D.J.M. Madhepura in connection with Complaint Case No. 698 (C) of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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