

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31761 of 2018

Arising Out of PS.Case No. -1016 Year- 2015 Thana -COMPLAINT CASE District- SUPAUL

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1. Maya Devi, wife of Ganesh Sah, resident of Village- Parsa Madho, P.S.- Kishanpur, District- Supaul.
 2. Arvind Sah, Son of Sukhdeo Sah, Resident of Village- Mahipatti Maldah, P.S.- Kishanpur, District- Supaul.
 3. Ramesh Bharti, S/o Suryanarayan Sah, Resident of village- Pipra Khurd, P.S. + District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Laxman Sah, Son of Late Shibu Sah, resident of village- Parsa Madho, P.S.- Kishanpur, District- Supaul.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh -5, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 18-06-2018 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Complaint Case No. 1016C/2015 (Cr. Comp. (P)/986/2015) registered for the offences punishable under Sections 420, 467, 468, 471 and 120B of the Indian penal Code.

The accusation is that the complainant, Laxman Sah purchased the land bearing Khesra (old) No. 2717 corresponding to new Khesra No. 3072, measuring 60 decimals and old khesra



No. 2718, corresponding to new Khesra No. 3073, measuring 10 decimals, in village Parsa Madho P.S. Kishanpur, District- Supaul from Durga Devi wife of Gosain Sah on 11.09.2014 and the name was also mutated in revenue record. On 05.08.2015 petitioner no.1 and accused no.2 Ganesh Sah along with ten unknown, variously armed with weapons came and started to construct the house on some portion of the said land. On protest by the complainant, they disclosed that they have purchased the said land from Durga Devi but on query Durga Devi denied to execute the sale deed in favor of petitioner no.1 Maya Devi. After that, the complainant went to Registry Office to enquire into the matter where she came to know that by putting the fake person in place of Durga Devi accused persons got executed the sale deed on 26.12.2013 in favour of petitioner no.1, Maya Devi.

Learned counsel appearing on behalf of the petitioners submits that, in fact, Durga Devi has executed the sale deed in favour of petitioner No. 1 and due to some dispute, the scuffle took place between the parties. Further submission is that from the complaint petition, it would appear that the dispute is of civil in



nature and the complaint petition has been filed only to put undue pressure upon the petitioners to withdraw the claim over the land as described in complaint petition.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender, within four weeks, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each in connection with learned Additional Chief Judicial Magistrate- II, Supaul in connection with Complaint Case No. 1016C/2015 (Cr. Comp. (P)/986/2015) to the satisfaction of learned Additional Chief Judicial Magistrate- II, Supaul, subject to the condition laid down under Section 438 (2) of the Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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