

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45230 of 2018

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

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1. Usha Devi @ Smt. Usha Devi, wife of Sudhir Singh
 2. Ranjit Kumar, son of Late Anandi Singh,
- Both are residents of Village - Kewali, P.O. + P.S. - Sono, District - Jamui.
3. Asgar Sah, son of Mansur Sah
 4. Md. Kurban Sah, son of Late Oli Azam Sah,
- Both residents of Village - Kendua, P.S. Khaira, District - Jamui.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Biji Turi, son of late Nageshwar Turi, resident of Vill - Kendua, P.S. - Khaira, District - Jamui.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manas Prakash, Advocate

For the Opposite Party/s : Mr. Mithilesh Kumar Khare, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 09-08-2018 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in **Complaint Case No.1016-C of 2015** instituted for the offence under Sections 420, 467, 468, 471 read with 120B of the Indian Penal Code.

Counsel for the petitioners submits that matter is purely civil dispute. It has further been submitted that land in question is ancestral land of the vendor of the sale deed namely Rajendra Turi and name of his great grandfather namely Tilo Dom is entered in record of rights (Khatiyani) who died leaving behind his two sons namely, Ino Turi and Jhari Turi. The land in question



has come in the share of Jhari Turi and after death of Jhari Turi and his son Parsadi Turi, the vendor Rajendra Turi became the title holder of the land and came in peaceful possession of the land in question. Petitioner Nos. 1 to 3 approached Rajendra Turi to purchase the land in question. He agreed to sell the land to petitioner Nos. 1 to 3 by registered sale deed. A genealogical table of Tilo Dom duly certified by Sarpanch, submitted at the time of mutation, shows that Tilo Dom was great grandfather of the vendor Rajendra Turi.

Counsel for the petitioners has submitted that petitioner Nos. 1, 2 and 3 are vendee of the sale deed and after bona fide inquiry they have purchased the aforesaid land and came in peaceful possession on the land in question and got mutation done. Petitioner No. 4 has identified the aforesaid sale deed during execution in Registry office.

In such circumstances, the matter is of purely civil dispute.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with **Complaint Case No.1016-C of 2015**, they shall be released on anticipatory bail on



furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned **Chief Judicial Magistrate, Jamui**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bond and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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