

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.56918 of 2018

Arising Out of PS. Case No.-287 Year-2016 Thana- MUZFFARPUR
COMPLAINT CASE District- Muzaffarpur

=====

1. Chandeshwar Rai, S/o Ramlal Rai,
2. Ganga Charan Rai S/o Late Rajgir Rai,
3. Shankar Rai S/o Late Rajgir Rai,
4. Ravindra Rai S/o Late Shukdeo Rai, All R/o vill.- Wazi @ Manoharpatti, P.S.- Sakra, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Nagendra Rai, S/o Late Darogi Rai, R/o Vill.- Wazi @ Manoharpatti, P.S.- Sakra, District- Muzaffarpur.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh

For the Opposite Party/s : Mr. Smt. Nirmala Kumari

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 10-12-2018 Heard the learned counsel for the petitioners,

complainant and the State.

The petitioners seek bail in anticipation of their

arrest in connection with Complaint Case No. 287 of 2016

instituted for and in which cognizance has been taken under

Sections 467, 420, 120B, 323 and 504 of the Indian Penal

Code.

The sum and substance of the accusation in the



complaint petition is that petitioner Nos. 1 and 2 have sold the land in excess of their shares to petitioner No. 3. Petitioner No. 4 is the witness of the sale deed.

From the averments made in the complaint petition, it becomes very clear that petitioner Nos. 1 and 2 are also members of the same stock of family amongst whom 22 decimals of land were equally distributed. While selling the portion of land belonging to their respective shares, approximately five and half decimals more was sold to petitioner No. 3 who in turn got it registered in the name of his wife.

There is further allegation in the complaint petition that when the complainant went to the house of petitioner No. 3 for registering his protest, he was chased and was attempted to be assaulted by means of a spade.

The learned counsel for the petitioners has submitted that even if the allegations are accepted to be true, no offence under Section 467 or for that matter Section 420 of the Indian Penal Code, can be said to have been made out. There could be a *bona fide* mistake



regarding the measurement of the land which has been allotted to the respective share holders.

Petitioner Nos. 3 and 4 are outsiders whereas petitioner Nos. 1 and 2 come from the same stock of the family.

For the aforestated facts, the petitioners, above named, in the event of their arrest or surrender within a period of four weeks from today, are directed to be released on bail on their furnishing bail bonds of Rs. 10,000/-(Ten Thousands) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, IV, Muzaffarpur in connection with Trial No. 1131 of 2018, Complaint Case No. 287 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

Shageer/-

U		T	
---	--	---	--

