

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43655 of 2018

Arising Out of PS. Case No.-828 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Anurag Kumar @ Chandan Kumar, S/o- Sri Laxmi Prasad Mehta @ Laxman Prasad Mehta.
 2. Aditya Kumar, S/o-late Raj Kumar, Both R/o- Mohalla- Karmalichak, P.S.- By Pass, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Arun Kumar @ Munna as Per Complain Petition Arun Kumar @ Anil Kumar S/o Late Harinath Mahto, R/o Mohalla- Pitambra Mandir Colony, P.S.- Alamganj, Distt.- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rudra Deo
For the Opposite Party/s : Mr. Sri Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-07-2018 Heard learned Counsels for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 420, 467 and 468 of the Indian Penal Code.

The prosecution case as per the complainant, Arun Kumar @ Anil Kumar that his own brother, Binod Kumar, by impersonating the complainant, transferred the land of the complainant, appertaining to Plot No. 1734, Khata No. 166, Thana No. 14, Tauzi No. 227, situated at Mauza Pahari, District



Patna, in favour of complainant's brother's wife, Usha Devi.

The petitioners are the witnesses to the sale deed.

It is submitted by learned counsel for the petitioners that thrust of accusation is against Binod Kumar. The accusation has been levelled against the petitioners in the background of litigated relationship between the complainant and the petitioners, as at earlier point of time, sister of the complainant filed Title Partition Suit No. 160 of 2011 impleading the complainant and his two brothers and other sister Bimala Devi as defendants. In the said title suit also she impleaded the complainant as Arun Kumar and the complainant's own brother, Binod Kumar's with alias name as Anil Kumar, who has executed the alleged sale deed. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by Mr. J. N. Thakur learned APP for the State that the petitioners are named in the FIR.

Considering the nature of accusation in the background of litigated relationship between the complainant and his brother Binod Kumar and thrust of accusation against Binod Kumar, coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having any



criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 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 learned ACJM-VI, Patna City, Patna, in connection with CA Case No. 828 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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