

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45924 of 2018

Arising Out of PS. Case No.-616 Year-2017 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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1. Ashok Kumar Singh S/o Ramashish Singh
 2. Birja Singh S/o Chandrika Singh Both residents of Village - Rasoiya, P.S. - Kutumba, District - Aurangabad, Bihar.
 3. Dharendra Kumar Paswan S/o Late Mukhdeo Paswan Resident of Village - Jharha, P.S. Kutumba, District - Aurangabad, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Ranjan Kumar S/o Suresh Singh Resident of Village - Rasoiya, P.S. - Kutumba, District - Aurangabad, Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alka Singh, Advocate
For the Opposite Party/s : Smt. Pronati Singh, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 03-12-2018 Perused the supplementary affidavit and counter affidavit
filed in this case.

Heard learned counsel for the petitioners, learned counsel
for the informant and learned Additional Public Prosecutor for the
State.

The petitioners are apprehending their arrest in a case
registered for the offences punishable under Sections 417/420/120B
of the Indian Penal Code.

Allegation is that petitioner No.2 Birja Singh has sold the
land of the complainant to petitioner Ashok Kumar Singh and
Dhirendra Kumar Paswan was a witness on the sale-deed.

Learned counsel for the petitioner submits that Annexure-



2 is the Khatiyani of the referred plot, which would show that the same was recorded in the name of the ancestor of the petitioner No.2 as well as the ancestor of the vendor of the complainant. In a partition suit the father of petitioner No.2 got one-third share of total area of 32 decimals and out of 10.50 the petitioner has sold only 6 decimals. Therefore, there is no reason of allegation of cheating etc. against the petitioners.

Learned counsel for the informant opposed the prayer for bail on the basis of his possession over the land.

Considering the facts aforesaid, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-II, Aurangabad, in connection with Complaint Case No.616 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioners shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioners.

(Birendra Kumar, J)

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