

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4336 of 2019

Arising Out of PS. Case No.-122 Year-2018 Thana- THAKURGANJ District- Kishanganj

1. Abbas Ali(M), aged about 30 years, Son of Abdul Mazid
2. Afsana Khatoon @ Mariyam(F), aged about 24 years, wife of Abbas Ali, Both resident of Dangibari, P.S-Thakurganj, Distt.-Kishanganj
3. Hazra Khatoon @ Hazera Bibi @ Hazera Khatoon(F) aged about 41 years, wife of Md. Jamal, Resident of Gambhirgarh, P.S-Sukhani, Distt.-Kishanganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 28-01-2019 Heard both sides.

The petitioners apprehend their arrest in Thakurganj P.S. Case No.122 of 2018 registered under Section 420 of the Indian Penal Code.

The informant alleged that after the death of his brother, he kept the daughter of his brother with him. The daughter of the brother is mentally dull. The petitioners on the pretext of providing her pension took her to registry office and got a sale deed into existence.

The learned counsel for the petitioners submits that petitioners are identifiers and bonafide purchasers of the land. The nephew of the informant appeared before Sub-Registrar and



admitted the execution of the sale deed. If the executant of the sale deed is mentally dull, the proper remedy is to file the suit for declaring the sale deed inoperative, illegal and void but the informant lodged the case only to harass the petitioners.

Considering the aforesaid facts and the fact that dispute is of civil nature, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kishanganj in connection with Thakurganj P.S. Case No.122 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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