

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5177 of 2019

Arising Out of PS. Case No.-476 Year-2018 Thana- MOTIHARI TOWN District- East
Champaran

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1. HARENDRA SAH aged about 45 years(male), son of Late Manager Sah
 2. Krishna Sah aged about 50 years(male), son of Sri Ayodhya Sah, Both
Resident of Village- Bara Bariyarpur, Police Station-Chhatauni, District-East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar
For the Opposite Party/s : Mr.Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 30-01-2019 Heard both sides.

The petitioners apprehend their arrest in Motihari
Town P.S. Case No.476 of 2018 registered under Sections 406,
420, 120B and 34 of the Indian Penal Code.

The informant alleged that he executed a sale deed
with regard to 5 kathas land of Khata No.289, Khesra No.2744
out of total area of 14 kathas land in favour of Amir Khan but
Amir Khan and the petitioners in collusion with each other
fraudulently got a deed of Mahadanama executed with regard to
remaining part of the land without any consideration.

The learned counsel for the petitioners submits that
the petitioners are witnesses of the sale deed and deed of
Mahadanama. They have no manner of concern with the



execution of deed of Mahadanama and the petitioners are not the beneficiaries of the deed. Amir Khan got the deed of Mahadanama executed with regard to remaining land from the informant after paying the amount. If the informant is aggrieved by the execution of Mahadanama, she has got remedy in civil suit.

Considering the aforesaid facts and nature of allegation made against the petitioners and the fact that the petitioners, being the witnesses of deed of Mahadanama, are not the beneficiaries, 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, Motihari in connection with Motihari Town P.S. Case No.476 of 2018, G.R. Case No.4863 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Saurabh/-

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(Prabhat Kumar Jha, J)

