

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13991 of 2019

Arising Out of PS. Case No.-154 Year-2017 Thana- LAXMIPUR District- Jamui

1. Mukesh Modi, Son of Kartik Modi, Resident of Village-Mangarar.
2. Chandrashekhar Jha, Son of Harihar Jha, Resident of Village-Dighi.
3. Pankaj Ballabh, Son of Late Sriballabh Prasad, Resident of Village-Dighi.
4. Niraj Ballabh, Son of Late Sriballabh Prasad, Resident of Village-Dighi,
All Police Station-Laxmipur, District-Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai
For the Opposite Party/s : Mr.Manish Kumar No2

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-03-2019 Heard learned counsels for the petitioners and the

State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 420, 467, 468, 471, 506 and 120B of the IPC.

The prosecution case got initiated with the filing of Complaint Case No. 6789 of 2017, by Sudhir Ballabh, which was subsequently got registered as a police case after the same being transferred under Section 156(3) of the Cr. P.C.

The prosecution case is to the effect that the land, appertaining to Khata No. 142, Plot No. 277, total measuring an area of 62 decimals, situated at Mauza Dighi, District Jamui was



recorded in the Revenue Record in the name of the father of the informant, namely Krishna Ballabh Prasad and uncle of the informant, namely, Vishwa Ballabh Prasad and thereafter out of 62 decimals they gifted 36 decimals of land to the Government of Bihar for the purpose of construction of Primary Health Centre. It is alleged that out of remaining 26 decimals, 15^{1/2} decimals of land has been transferred by a registered sale deed by co-accused, Ballabh Prasad in favour of petitioner no.1, Mukesh Modi. It is further alleged that petitioner nos. 2 to 4 facilitated the fraudulent transfer of land.

It is submitted by learned counsel for the petitioners that the land in question is being inherited by petitioner nos. 2 to 4 from their ancestors and the informant has gifted his share of land to the Government of Bihar. Consequently, on the transferred land, the name of the purchasers was mutated and said order of mutation was challenged by the informant of the present case before the D.C.L.R., Jamui, which was dismissed since title suit is pending between the parties. It is further submitted that on conclusion of investigation, final form was submitted and the petitioners were not sent up for trial, but subsequently differing with the final form, cognizance has been taken against the petitioners also. A statement has been made in



paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the accusation against the petitioners is specific.

Considering the accusation arising out of civil nature of dispute and the fact that on conclusion of investigation, the police did not find the case true against the petitioners, 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 petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Jamui in connection with Laxmipur P.S. Case No. 154 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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