

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11728 of 2019

Arising Out of PS. Case No.-278 Year-2018 Thana- BIRPUR District- Supaul

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1. KAMAL PASWAN Son of Late Baukey Paswan Resident of Village - Basantpur, P.S.- Birpur, Distt - Supaul.
 2. Prasadi Paswan @ Parmeshwar Paswan Son of Abhichand Paswan Resident of Village - Vayasi, P.S.- Kajarain, at present resident of Shishu Vidya Mandir Golchouk, Birpur, Ward No. 09, P.S.-Birpur, Distt - Supaul.

... .. Petitioners.

Versus

1. THE STATE OF BIHAR.
2. Krishna Mohan Paswan, aged about 55 years (Male), son of Late Saini Paswan, resident of village-Basantpur, Ward No.07, P.S. Birpur, District-Supaul.

... .. Opposite Parties.

Appearance :

For the Petitioners	:	Mr. Nagendra Upadhyay, Advocate.
For the State	:	Mr. Prem Kumar Jha, A.P.P.
For the informant/opposite party no.2:	:	Mr. Najmul Hoda, Advocate.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 19-06-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State as also the learned counsel for the informant/opposite party no.2.

The petitioners apprehend their arrest in connection with Birpur P.S. Case No.278 of 2018 registered under Sections 147, 341, 323, 406, 420 and 504 of the Indian Penal Code.

The accusation is that 9 acres 78 decimals land was in the name of Late Saini Paswan, the father of the informant/opposite party no.2 Krishna Mohan Pawan and his three brothers, out of which 2 acres 44½ decimals land was in



the share of Saini Paswan, the father of the informant/opposite party no.2 but both the petitioners got executed the forged sale deed in respect of 1 Bigha four Katha land after the death of Nageshwari Devi, wife of Late Sukhdeo Paswan, excess to the share of Late Sukhdeo Paswan. On knowing the aforesaid fact, Panchayati was arranged in which the petitioner no.2 admitted about executing the forged sale deed and admitted to execute the sale deed in favour of the informant/opposite party no.2 but, later on, he did not execute the sale deed in his favour.

Learned counsel for the petitioners submits that it would appear from the F.I.R. that the dispute is of civil in nature. Moreover, Title Suit No.57 of 2018 has already been filed by the informant/opposite party no.2 in respect to the land in dispute, as detailed in the F.I.R, against the petitioners and others.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Birpur (Supaul), in connection with Birpur P.S. Case



No.278 of 2018, subject to the conditions laid down under
Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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