

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12366 of 2019

Arising Out of PS. Case No.-83 Year-2017 Thana- COMPLAINT CASE District- Araria

MD. YASIN, Male, Aged about 56 years, Son of Late Tameejuddin Resident of Village- Rampur- Mohanpur, Ward No.-2, Tola Mohanpur, P.S.- O.P. Baigachhi (Araria) District- Araria

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Bibi Rehana Khatoon, Female, Aged about 56 years, Wife of Wadiujjama Resident of Village- Bhangora, P. S.- Palasi, District- Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhijeet Gautam
For the Opposite Party/s : Mr.Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 28-02-2019 Heard both sides.

The petitioner apprehends his arrest in Complaint Case No.83C of 2017 registered under Sections 420, 467, 468 and 34 of the Indian Penal Code.

The complainant alleged that she inherited different properties from her parents but when she started negotiating for sale of her land, the petitioner came and informed the complainant that he had purchased the land from the complainant, her mother and uncle in the year 1985. The complainant alleged that she, her mother and her uncle never executed any sale deed.

The learned counsel for the petitioner submits that the



petitioner purchased the land through registered sale deed executed from the complainant, her mother and her uncle in the year 1985. The mother and uncle of the complainant also executed different sale deed. The complainant alleged that by impersonating her, her mother and her uncle, the sale deed was executed and for that, the proper remedy is the suit in order to ascertain the identity of the executant of the sale deed. It is further submitted that petitioner is in possession of the land.

Taking into consideration the facts aforesaid and nature of allegation made against the petitioner and the fact that the dispute appears to be of civil nature, let the petitioner, above named, in the event of his 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) with two sureties of the like amount each to the satisfaction of Sri Sanjiv Kumar-II, A.C.J.M.-V, Araria in connection with Complaint Case No.83C of 2017, 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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