

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19870 of 2019

Arising Out of PS. Case No.-1602 Year-2015 Thana- COMPLAINT CASE District- Banka

1. Chandar Hembram Son of Late Shukar Hembram Resident of Village - Tola Simra, Mouja Rani, P.S.- Bounsi, Distt - Banka.
2. Subhash Kisku @ Subhash Manjhi Son of Late Babu Kisku Resident of Village - Tola Simra, Mouja Rani, P.S.- Bounsi, Distt - Banka.
3. Arvind Hembram Son of Surendra Lal Hembram Resident of Village - Tola Simra, Mouja Rani, P.S.- Bounsi, Distt - Banka.
4. Om Prakash Hembram Son of Surendra Lal Hembram Resident of Village - Tola Simra, Mouja Rani, P.S.- Bounsi, Distt - Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dr. Lambodar Thakur Son of Late Bachhilal Thakur Resident of Village - Brahmpur, , P.S.- Bounsi, Distt - Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee
For the Opposite Party/s : Mr.Ramchandra Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 21-08-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 193,420, 467, 468, 471, 447 and 120B of the Indian Penal Code.

The prosecution case as per the complaint petition filed by Dr. Lambodar Thakur is to the effect that the



complainant went to see his ancestral land then the accused persons threatened him and shown him a rent receipt claiming the land of the complainant. Subsequently, from the RTI, the informant received information from the Circle Officer, Baunsi office to the effect that any rent receipt has never been issued in the name of the petitioners or their ancestors.

It is submitted by learned counsel for the petitioners that, in fact, the petitioners never claimed the land in question of the complainant nor did they use the alleged rent receipt in connection with any transaction. It is further submitted that for a civil nature of dispute, the criminal forum has been misused.

Learned counsel for the complainant submits that the petitioners are claiming the land of the complainant on the basis of forged rent receipt.

Considering the fact that there is nothing on record to suggest that the petitioners claimed the land of the complainant on the basis of forged rent receipt and hence, prima facie, it appears that for a civil nature of dispute, the criminal forum has been misused, let the above named petitioners be released on anticipatory bail in the event of arrest or 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 the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Complaint Case No. 1602 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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