

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.79894 of 2018

Arising Out of PS. Case No.-710 Year-2017 Thana- BUXAR District- Buxar

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1. Uma Shankar Pandey, S/o Late Sri Ram Pandey, resident of Village- Ojhawaliya, P.S.- Brahampur, District- Buxar.
 2. Umesh Pathak @ Umesh Kumar Pathak, S/o Baban Jee, Pathak resident of Village- Niyazipur, P.S.- Simari, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 16-01-2019 The petitioners seek bail in anticipation of their arrest in connection with Buxar Town P.S. Case No. 710 of 2017, dated 22.12.2017, instituted for the offences under Sections 420, 467, 468, 471 and 120B/34 of the Indian Penal Code.

The informant of this case claims himself to be an old man, whose old age was taken advantage of by



some of the accused persons including the petitioners and he was made to sign certain documents which ultimately was converted into a document of conveyance. The petitioner No. 1 is stated to be the vendee of the informant, whereas petitioner No. 2 is the deed-writer. The sum and substance of the allegation in the F.I.R. is that since the informant being 90 years of age was being looked after by a villager, viz., Sumitra Devi, she, in cahoots with the other accused persons including the petitioners, managed to get some documents signed by the informant, whereafter he was taken for a religious trip for 15 days. After coming back from such trip, he learnt through a rumour afloat in the village that his land has been alienated in favour of petitioner No. 1.

Hence, the F.I.R.

The learned counsel for the petitioners has submitted that the present case has been lodged by the informant at the instance of his sons, who are not agreeable to the transaction made by their father/informant.



The police, after investigation, found the allegation to be false after taking into account that there was an exchange of land for which there were necessary documents available on record. However, the learned Chief Judicial Magistrate, differing with the police report, has taken cognizance against the petitioners.

The learned counsel for the petitioners has further drawn the attention of this Court to the fact that the sons of the informant are not looking after their father who has to fend for himself with the help of local villagers and now when some kind of transaction has been made by him, the same is being opposed by his sons.

Considering the aforesaid facts, the petitioners above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks from the date of receipt/production of a copy of the present order, are directed to be released on bail on their furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate,



Buxar, in connection with Buxar Town P.S. Case No. 710
of 2017 (G.R. No. 3883 of 2017), subject to the
conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

Praveen-II/-

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