

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33094 of 2019

Arising Out of PS. Case No.-729 Year-2017 Thana- SHASTRINAGAR District- Patna

1. SMT. MINA DEVI @ MINA DEVI, aged about 60 years, female, W/o Late Vinod Kumar Mehta
2. Rajesh Kumar Mehta @ Rajesh Mehta, aged about 36 years, Male
3. Rakesh Mehta, aged about 33 years, Male,
Sl. No.2 & 3 are sons of Late Vinod Kumar Mehta
All are R/o Mohalla- Central Excise Colony, Gate No. 2, Ashiana Digha Road, P.S.- Shastri Nagar, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Veer

For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 20-05-2019 Heard both sides.

The petitioners apprehend their arrest in Shastrinagar P.S. Case No.729 of 2017 registered under Sections 420, 467 and 468 of the Indian Penal Code.

The Assistant Commissioner of Central Excise and Customs alleged that in the year 1974-75, 16.43 acres land was acquired for the purpose of construction of residential colony for the Central Excise officials and Tilak Raj Mehta was appointed as contractor to construct the residential houses but Tilak Raj Mehta dishonestly and fraudulently carved out Plot No.141, area 17 decimals, 4004 sq. ft. from the acquired land



and said to have purchased the aforesaid land from one Dhanraj Singh. The Department came to know that Vinod Kumar Mehta, son of Tilak Raj Mehta got his name mutated by Mutation Case No.336/03 in the year 1985-86. Later on, the proceeding was initiated for removal of encroachment but the wife and sons of Vinod Kumar Mehta was found in possession of the aforesaid land.

The learned counsel for the petitioners submits that allegation of fraud and forgery is made against Tilak Raj Mehta who is said to have purchased the land by a fraudulent deed from Dhanraj Singh but in fact, the land was acquired for the construction of residential houses for the officers of Central Excise and Customs. The husband of the petitioner No.1 got his name mutated. Petitioners being widow and sons of Vinod Kumar Mehta are residing in the house. There is no allegation against the petitioners that the petitioners committed any fraud or forged any documents.

Taking into consideration the fact that since the petitioners being widow and sons of Vinod Kumar Mehta who are residing in the house made accused but from perusal of the entire F.I.R. it appears that the informant did not make any allegation against the petitioners for committing forgery and



doing any fraudulent acts, let the petitioners, above named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned Sub-Judge IV-cum-A.C.J.M., Patna in connection with Shastri Nagar P.S. Case No.729 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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