

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31720 of 2019**

Arising Out of PS. Case No.-748 Year-2018 Thana- MOTIHARI TOWN District- East
Champaran

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1. Ram Chandra Tiwari, Son of Late Ganesh Tiwari, Resident of Village- Badharwa Kala, P.S.- Kotwa, Dist.- East Champaran.
 2. Binod Prasad, Son of Kailash Prasad, Resident of Village- Badharwa kala, P.S.- Kotwa, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwari, Advocate

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, APP

**CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER**

2 22-05-2019 Heard learned counsel for the petitioners and the learned counsel appearing on behalf of the State.

The petitioners are apprehending their arrest in connection with Motihari Town P.S. Case No.748 of 2018, G.R. Case No. 7444 of 2018 for allegedly having committed the offence under Sections 420, 467, 468, 471 and 120(B) of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioner No.1 is the purchaser of the said land whereas petitioner No.2 is the identifier of the sale deed which was executed in the year 1996. It is further submitted that all of a sudden, though the property has changed hands, the same piece of land appears to have been sold to other person and the petitioners have been falsely implicated stating that the earlier transaction was on the basis of impersonation. It is further submitted that actually a probate case with regard to the same land was pending between the brother of the informant and the



informant, in which he did not succeed and therefore, now this false and concocted case has been lodged for undoing the sale deed which was executed much earlier.

Having considered the entire facts and circumstances and there appears to be a *bona fide* dispute of civil nature and that the same can be resolved through either mediation or through a court of competent jurisdiction, 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/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari, in connection with Motihari Town P.S. Case No.748 of 2018, G.R. Case No.7444 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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