

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34846 of 2019

Arising Out of PS. Case No.-460 Year-2016 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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1. ANAND BIHARI VERMA Son of Late Jagat Narain Verma Resident of Village- Sigaila, P.S. Motipur, District- Muzaffarpur.
 2. Jitendra Kumar Verma Son of Anand Bihari Verma Resident of Village- Sigaila, P.S. Motipur, District- Muzaffarpur.
 3. Smt. Saroj Devi Wife of Anand Bihari Verma Resident of Village- Sigaila, P.S. Motipur, District- Muzaffarpur

.. ... Petitioners

Versus

1. The State of Bihar and
2. Gauri Shankar Singh

... Opposite Party

Appearance :

For the Petitioners : Mr. Arun Kumar, Advocate
For the Opposite Parties : Mr. Narsingh Tanti, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 29-05-2019 Heard learned counsel for the petitioners as well as

learned counsel for the State.

Petitioners apprehend arrest in a case registered for
the offences punishable under Sections 420, 467, 471 of the
Indian Penal Code.

Prosecution case in short is that the complainant
purchased 4 ½ dismil land of Khata No. 85 Khesra No. 476 by a
registered sale deed dated 3.12.1993 from petitioner no.1 over
which he was in possession. Later on petitioner no.1 executed
another sale deed dated 30.8.2001 in favour of his wife Smt.
Saroj Devi (petitioner no.3) over which petitioner no.2 is a
witness. Thus, all the petitioners fraudulently executed sale deed



and committed forgery.

Learned counsel for the petitioners submits that the complaint case was referred to the police under section 156(3) of the Cr.P.C. and on the basis of which Motipur Police Station Case No. 107/2002 was registered under sections 420, 467, 468, 471 Indian Penal Code against the petitioners in which after investigation the Investigating officer finding the case to be of civil nature submitted final report. However, on protest petition filed by the complainant, the learned court below took cognizance of the offence and issued processes. It is further contended that when the complainant failed to repay the entire consideration amount to the petitioner no.1, he executed the above land in favour of petitioner no.3 and as such petitioners have not cheated the complainant in any manner. Petitioner no. 3 is a witness to the execution of sale deed.

Considering the facts of the case, let the petitioners, above named, in the event of their arrest/surrender before the Court below within a period of six weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, West Muzaffarpur in Complaint case no. 460 of



2016, Tr No. 3912 of 2018, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioners shall fully co-operate with the investigation and trial of the case, failing which the Court below shall be at liberty to cancel the bail bond of the petitioners.

(Prabhat Kumar Singh, J)

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