

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39478 of 2019

Arising Out of PS. Case No.-579 Year-2016 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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1. MADAN KUMAR YADAV Son of Late Awadh Prasad Yadav Resident of Ward No.8, Rasaunk, P.S.- Morkahi, District- Khagaria.
 2. Anil Kumar Yadav @ Anil Prasad Son of Late Awadh Prasad Yadav Resident of Ward No.8, Rasaunk, P.S.- Morkahi, District- Khagaria.
 3. Suresh Prasad Yadav Son of Late Parmeshwari Prasad Yadav Resident of Ward No.8, Rasaunk, P.S.- Morkahi, District- Khagaria.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Devendra Mistri Son of Late Kesho Mistri Rasaunk, Rasouk, P.S.- Morkahi, District- Khagaria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pritish Kumar Lal
For the Opposite Party/s	:	Mr.Nand Kishore Prasad
For O.P. No.2	:	Mr. Santosh Kr. Singh

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 03-09-2019 Petitioners seek bail in anticipation of their arrest in connection with Complaint Case No. 579 C of 2016 instituted for the offences punishable under Sections 467, 420 and 120B of the Indian Penal Code.

Prosecution case as per complaint petition is that on 4.8.1984 one Wakil Singh gave a piece of land of 1 Bigha 5 Kattha by way of gift for construction of temple of Hamumanji and it's "ragbhog" and complainant came into possession over the same, installed idol of Hamumanji, constructed temple and



worship of the deity started there. Further case is that in the year 2007 the petitioners with the help of criminal elements damaged the temple and information to that effect was given to the Commissioner and Collector and permission was sought for reconstruction of temple on 20.5.2015. On order of Collector Anchal Adhikari submitted a report in favour of the complainant before the L.R.D.C. Further case of the complainant is that in Land Dispute Resolution Case No. 157 of 2012-14 before the L.R.D.C., Khagaria between the petitioners and complainant the petitioners filed three registered deeds and the LRDC by his order dated 8.4.2015 ordered the complainant to get the deeds set aside by the competent court.

Submission of learned counsel for the petitioners is that Complaint petition itself shows that DCLR has ordered the complainant to move before civil court of competent jurisdiction for setting aside the deeds but instead of that the present complaint case has been filed against the petitioners, who got the land in pursuance of sale deed executed in the year 1990 and it is a case purely in the nature of civil dispute.

Heard learned APP and learned counsel for the complainant, who has opposed the prayer on the ground that petitioners got the forged sale deed executed in their favour



though the land has already been gifted to the complainant.

In view of above facts and circumstances, let petitioners, in the event of arrest or surrender within a period of two weeks from the receipt of this order, be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate, Khagaria, in connection with Complaint Case No. 579 C of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and further condition is that one of the bailors of the petitioners shall be a local person having sufficient immoveable property within the jurisdiction of the court concerned.

(Vinod Kumar Sinha, J)

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