

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63365 of 2018

Arising Out of PS. Case No.-1137 Year-2017 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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1. Ram Shila Devi wife of Bhagirath Bhagat.
 2. Bhagirath Bhagat, son of Late Dharkhan Bhagat, Prop. Bhagirath Studio, Bhutahi Bazar, P.S.- Sonbarsa, District- Sitamarhi.
 3. Munna Bhagat @ Rohan Kumar, son of Bhagirath Bhagat. All Resident of Village- Indarwa, P.S. Kanhauli, District- Sitamarhi.

... .. Petitioner/s

Versus

1. State of Bihar
2. Most. Krishna Devi, wife of Late Nagendra Prasad, Resident of Gonahi Bishanpur, P.S.- Sonbarsa, District- Sitamarhi, presently residing at Bhawadepur, Ward No. 22, P.S. and District- Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwari
For the Opposite Party/s : Smt. Sucheta Yadav

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

4 06-02-2019 Heard the parties.

The petitioners seek pre-arrest bail in Complaint Case No.C1-1137/17 registered under Sections 406, 420, 323 and 504 of the Indian Penal Code.

Accusation is that out of 03 decimals land of the complainant situated at Bhutahi Chowk she has constructed two shops out of which one shop was let out on rent to petitioner no.1, Ram Shila Devi and in another shop Mushkan Beauty Parlour is being run and 02 decimals of land remained vacant. The complainant uses to live in Sitamarhi and casually uses to



visit there. The petitioners approached the complainant for purchasing 02 decimal land behind her shop on negotiation she became ready to sell the 02 decimal land on consideration amount of Rs.1,10,000/- and in advance Rs.2000/- was paid to her. Thereafter she went to Registration Office where deed had already been prepared and put her signature on it. When she visited Bhutaha Chowk to collect rent shop keeper of Mushkan Beauty Parlour refused to give rent saying that both the shops have been purchased by the petitioners. Thereafter she obtained certified copy of the sale deed and came to know that in sale deed two decimal land is detailed covering both shop not vacant land situated behind the both shops. When she made protest she was abused and at that time petitioner no.3 pointed out pistol at her and petitioner no.2 also tried to press her neck.

Learned counsel appearing on behalf of the petitioners submits that initially on the same set of facts Sonbarsa P.S. Case No.126 of 2015 was instituted against petitioners no.1 and 2 in which police submitted final report. Later on the complainant made protest upon which cognizance is taken. Further submission is that complainant/O.P.No.2 has also filed Title Suit No.87/15 which is pending in the Civil Court, Samastipur for the same dispute.



Having considered the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within six weeks from today, be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of A.C.J.M.-IV, Sitamarhi, in C1-1137 of 2017 Subject to the conditions as laid down under Section 438(2) of Cr.P.C.

(Rajendra Kumar Mishra, J)

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