

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42262 of 2019

Arising Out of PS. Case No.-154 Year-2018 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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1. YOGENDRA SINGH Son of Late Raghunath Singh Resident of Village and Post - Jhajhawa Bazar, P.S.- Sidhwaliya (Mahamadpur), District- Gopalganj
 2. Suresh Prasad Son of Jagarnath Prasad Resident of Village - Kushhar, P.S.- Mahamadpur, District- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bindeshwari Sah Son of Late Jamuna Sah Resident of Village - Pakari, P.S.- Mahamadpur, District- Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Singh
For the Opposite Party/s : Mr.Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 09-07-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Trial No.1247 of 2018/Complaint Case No.154 of 2018, registered under Sections 323, 341, 384, 406, 420 and 120(B) of the Indian Penal Code.

The accusation is that Tuntun Prasad executed the sale deed on 22.07.2015 in respect of 1 Katha 3 Dhur and 10 Dhurki land of Plot No.169 in village-Kushar in favour of the opposite party no.2 on consideration of Rs.5,00,000/- on which



both the petitioners put their signature as witnesses. Thereafter, when the opposite party no.2 came in the month of November, 2017, from the place where he used to do the job, to construct the house on the purchased land, then saw that on the purchased land, Tuntun Prasad along with others were digging the soil for plinth. On protest, Tuntun Prasad and others started to construct the house on the purchased land of the opposite party no.2 forcibly and also caused assault to the opposite party no.2.

Learned counsel for the petitioners submits that the petitioners are the witnesses of the sale deed said to be executed by Tuntun Prasad in favour of the opposite party no.2 and they have falsely been implicated in this case. Moreover, there is no anywhere allegation in the complaint petition that the land in question is not belonging to Tuntun Prasad. The petitioners have no criminal antecedents.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the 1st Additional Chief Judicial Magistrate, Gopalganj, in connection with Trial



No.1247 of 2018/ Complaint Case No.154 of 2018, subject to
the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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