

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66525 of 2018

Arising Out of PS. Case No.-308 Year-2016 Thana- GARDANIBAG District- Patna

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1. Kaushal Prasad, aged about 64 years, son of Ram Ishwar Prasad alias Ishwar Prasad, resident of village-Mushnapar, P.O. Kansari, P.S. Gauri Chak, District-Patna.
 2. Mukesh Bind alias Mukesh Kumar, aged about 36 years, son of Nagina Bind alias Nagina Zamadar, resident of village-Ismailpur, P.O. Chakradhari, A/P Erai Benipur, P.S. Daniyawan, now Khushrupur, District-Patna.

... .. Petitioners.

Versus

1. The State of Bihar.
2. Sanjay Pathak, aged about 44 years, son of Sri Siddhnath Pathak, resident of in the house of Raju Yadav, Anishabad Post Office Gali, P.S. Gardanibagh, District-Patna.

... .. Opposite Parties.

Appearance :

For the Petitioner	:	Mr.
For the State	:	Mr.
For O.P. No.2	:	Mr.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

5 12-03-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State as also the learned counsel for the opposite party no.2.

The petitioners apprehend their arrest in connection with Gardanibagh P.S. Case No.308 of 2016/G.R. No.394 of 2017 registered under Sections 341, 323, 379, 447, 452, 420, 467, 468 and 471 of the Indian Penal Code.

The accusation is that the Plot No.306 of Khata No.260, area 20 decimal, of village-Deokali, was given by the



opposite party no.2 to Dayali Jamadar for ploughing since 2006. The opposite party no.2 executed the agreement to sale regarding the said land in favour of Sudhanshu Paswan and Suraj Kumar on 01.09.2016. When Sudhanshu Paswan and Suraj Kumar went for measurement of the said land, then Dayali Jamadar stopped them for measurement, saying that he had purchased the said land through registered sale deed. After that, the opposite party no.2 got copy of the sale deed dated 15.03.2010 through Internet and came to know that the petitioner no.2 executed the sale deed, claiming himself to be Santosh Pathak, in favour of the wife of Dayali Jamadar.

Learned counsel appearing for the petitioners submits that, in fact, Plot No.306 is belonging to Dinesh Tiwary, who executed the sale deed in favour of Sabuja Devi, wife of Dayali Jamadar, on which petitioner no.1 put his signature as a witness but only to put undue pressure, the opposite party no.2 has lodged the present complaint case, showing the petitioner no.2 also an accused.

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 Sri Sunil Kumar Singh, Additional Chief Judicial Magistrate-cum-Sub Judge-XIV, Patna, in connection with Gardanibagh P.S. Case No.308 of 2016/G.R. No.394 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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