IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59111 of 2019

Arising Out of PS. Case No.-633 Year-2018 Thana- KHAJANCHI HAT District- Purnia

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1. Kamrul Khan, Son of Late S. K. Badrul Hassan, Resident of Village- Oli Tola, P.S.- K. Hat (Madhubani), District- Purnea.
2. Pawan Kumar Singh @ Pawan Singh, Son of Malanand Singh, Resident of Village- Oli Tola, P.S.- K. Hat (Madhubani), District- Purnea.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Saket Tiwary
For the Opposite Party/s : Mr.Md. Matloob Rab

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 25-09-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with K. Hat (Madhubani) P.S. Case No. 633 of 2018, registered under Sections 420, 379, 427, 506 and 120B of the Indian Penal Code.

The accusation is that informant purchased 2 kathas 10 dhoor land in Mohalla Lpradhanpur, Madhubani, District-Purnea from Dinesh Bhagat and she came in possession over the said land. After mutation, she went to Gujrat and after few months, she came to Purnea for selling the land due to need of money to perform the marriage of her daughter. On 13.08.2018,

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informant started construction of a room over the said land. In the evening, some unknown came and asked her to vacate the land giving threatening of dire consequences and in the same night, boundary wall was damaged and materials collected there, was removed. In the next morning, she came to know that Nurul Khan has taken away the materials then she went at the house of Nurul Khan and made query then Nurul Khan asked that he will not allow her to construct the house, saying to seell the land in his favour. Thereafter, informant become ready to execute the sale deed in favour of him on payment of Rs.8,50,000/-. Accordingly, on 31.08.2018, informant reached at the Registrar Office and draft of deed was prepared, in which, informant put her signature but on demand of consideration amount, Nurul Khan along with others named in the F.I.R. moved from there. Thereafter, informant approached to Nurul Khan and others but no reply was given. As such, Nurul Khan and others named in the F.I.R. would misuse the draft deed, which was signed by the informant, on putting the fake lady at her place.

Learned counsel for the petitioner submits that it would appear from the F.I.R. that the sale deed has not been executed by the informant in favour of Nurul Khan, in fact,

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petitioner has no concerned with the present occurrence and only allegation has been made against the petitioner is to demolish the boundary wall of the informant and removing the materials in absence of informant.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnia, in connection with K. Hat (Madhubani) P.S. Case No. 633 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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