

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58759 of 2019

Arising Out of PS. Case No.-20 Year-2017 Thana- COMPLAINT CASE District- Sheohar

1. JITENDRA DAS Son of Late Ramswaroop Das
 2. Birendra Das Son of Late Ram Baran Das
Both Resident of Village - Kahtarba, P.S.- Sheohar, Distt - Sheohar.
- Petitioner/s

Versus

1. THE STATE OF BIHAR
 2. Bihari Das Son of Late Sheetal Das Resident of Village - Kahtarba, P.S.-
Sheohar, Distt - Sheohar.
- Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha
For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-09-2019 The petitioners apprehend their arrest in connection with Complaint Case No. C1-20 of 2017 in which cognizaqnce has been taken under Sections 420 and 471 of the Indian Penal Code by the learned Magistrate.

Allegation against the petitioners, as per complaint, is that petitioners being uncle and nephew of the complainant got a mutation of a piece of land done bearing Khata No. 1814, Khesra No. 2527 having an area of 0.03 ½ decimal whereas petitioners have only 1/4th share in the land.

Mr. Ashok Kumar Jha, learned counsel appearing on behalf of the petitioners submits that petitioners have falsely been implicated in this case with *mala fide* intention inasmuch both parties are co-sharer and a dispute relating to mutation of



land was filed by the complainant before the D.C.L.R. vide Appeal No. 4 of 2016-17. Learned counsel further submits that learned DCLR vide his order dated 01.12.2018 has held that dispute between the parties pertains to a dispute relating to title for which civil suit may be filed between the parties and rejected the appeal filed by the complainant.

Having regard to the submissions made by the parties and taking into consideration the fact that there appears to be a civil dispute between the parties, as such I am inclined to grant anticipatory bail to the petitioners.

Let the petitioners, above-named, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned CJM, Sheohar in connection with Complaint Case No. C1-20 of 2017; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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