

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81462 of 2019

Arising Out of PS. Case No.-380 Year-2019 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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1. Abhiram Rai, Son of Bindeshwar Rai Resident of Village - Ganeshpur, Bhavangama, P.S.- Riga, Distt.- Sitamarhi.
 2. Mani Bhushan Rai Son of Late Sridhar Rai Resident of Village - Ganeshpur, Bhavangama, P.S.- Riga, Distt.- Sitamarhi.
 3. Kamlesh Rai Son of Badri Rai Resident of Village - Ganeshpur, Bhavangama, P.S.- Riga, Distt.- Sitamarhi.
 4. Rajeev Kumar Son of Arvind Prasad Singh Resident of Village - Ganeshpur, Bhavangama, P.S.- Riga, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Ramendra Prasad Singh, Son of Late Ganesh Prasad Singh Resident of Village - Bhavangama, P.S.- Riga, Distt.- Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha
For the Opposite Party/s : Mr.Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 18-06-2020 Heard Sri Ashok Kumar Jha, learned counsel for the petitioners and the learned A.P.P. for the State assisted by Sri Vimal Kumar, learned counsel for the informant through video conferencing.

The petitioners apprehend their arrest in connection with Complaint Case no. 380 of 2019 for the offences under Sections 420, 465, 467, 468 and 471 of the Indian Penal Code.



The accusation is that Birendra Prasad Singh, elder brother of complainant/O.P. No.2 Ramendra Prasad Singh has only four female issues, due to which, he sold his whole properties of his share. Thereafter, he started selling the property of share of the complainant / O.P. No.2 then complainant / O.P. No.2 filed Complaint Case No. 132 of 2016 in which summoning order was passed and pre-arrest bail has also been rejected by the Court of Session Judge, Sitamarhi and due to fear of transferring the land by his brother, complainant / O.P. No.2 executed sale deed of 32 decimals of land of Khata No. 573, survey No. 2007/4447 in favour of his son and his name was also mutated. On knowing this fact, petitioner Nos. 1 and 2 approached to his brother Birendra Prasad Singh and got executed 20 decimals of land from Khata No. 573, survey No. 2007/4447 disclosing the name of complainant / O.P. No.2 in west of the boundary of the said land. Similarly, petitioner No.3 and 4 also got executed sale deed of 8.50 decimals of land of Khata No. 573, Survey No. 2007/4447 from Birendra Prasad Singh of the share of complainant / O.P. No.2. In the morning of 05.03.2019, while complainant / O.P. No.2 was cleaning his land, at that time, petitioners reached and made obstruction showing the sale deeds then O.P. No.2 asked how his share of land has been sold then petitioners told the complainant / O.P.



No.2 that it is their profession to buy the land and sale the same at inflated price and they offered him to sale the land.

Learned counsel for the petitioners submits that it would appear from the complaint petition that dispute is of civil in nature, but, only to harass the petitioners, the present Compliant Case No. 380 of 2019 has been filed. Further submission is that petitioner No.2 is accused in Dumra P.S. Case No. 595 of 2010 and petitioner Nos. 1,3 and 4 have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-IV, Sitamarhi in connection with Compliant Case No. 380 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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