IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45817 of 2021

Arising Out of PS. Case No.-515 Year-2020 Thana- SHERGHATI District- Gaya

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1. BADRI MAHTO S/O LATE PUN MAHTO R/o village- Bahargada, P.S.- Barachati, District- Gaya
2. Suresh Yadav S/o Late Triloki Yadav R/o village- Suraundha, P.S.- Barachati, District- Gaya
3. Vijay Yadav S/o Late Triloki Yadav R/o village- Suraundha, P.S.- Barachati, District- Gaya
4. Rama Awtar Yadav S/o Late Bhola Yadav R/o village- Suraundha, P.S.- Barachati, District- Gaya

... ... Petitioner/s

Versus

1. The State of Bihar
2. BRIKSH MAHTO S/O LATE PUN MAHTO R/o village- Bahargada, P.S.- Barachati, District- Gaya

... ... Opposite Party/s

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Appearance :

For the Petitioner	:	Mr.Dhaneshwar Prasad Gupta, Advocate
For the State	:	Mr.Yogendra Kumar, APP
For opposite party No.2	:	Mr.Rashid Izhar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 22-12-2021 Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the opposite party No.2.

Counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of eight weeks.

On behalf of the petitioners, it has been submitted that the petitioner No.1 has died during the pendency of this application. Hence, the application in respect of petitioner No.1 has become infructuous.

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The application filed on behalf of petitioner No.1 is dismissed as withdrawn.

The petitioner Nos.2, 3 and 4 are apprehending their arrest in connection with Sherghati P.S. case No.515/2020 registered under Sections 341, 323, 467, 468, 471 of the Indian Penal Code.

Allegation is that the petitioner No.1 has sold the land of the informant to the petitioner Nos.2 and 3 by forgery and petitioner No.4 is identifier.

It has been submitted on behalf of the petitioner Nos.2, 3 and 4 that the petitioner Nos.2, 3 and 4 have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner Nos.2, 3 and 4. The petitioner Nos.2, 3 and 4 have falsely been implicated in the present case. The matter relates to sale of the land in the year 1992, but subsequently a case was filed on 03.10.2020 with the allegations that the said sale was fake and forged one. The matter relates to civil dispute.

On behalf of the State and learned counsel for the opposite party No.2, it is submitted that the petitioner Nos.2, 3 and 4 are named in the complaint case/F.I.R.

Considering the facts and circumstances of the case,

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the petitioner Nos.2, 3 and 4, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Sherghati, Gaya in connection with Sherghati P.S. case No.515/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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