

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38314 of 2020

Arising Out of PS. Case No.-272 Year-2018 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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1. LAXMI SAH Son of Late Gopi Sah Resident of Village - Dadar Koluha, P.S. - Ahiyapur, District - Muzaffarpur
 2. Lakhan Sah Son of Late Gopi Sah Resident of Village - Dadar Koluha, P.S. - Ahiyapur, District - Muzaffarpur
 3. Vishundayal Sahani Son of Late Sitaram Sahani Resident of Village - Dadal Koluha, P.S. - Ahiyapur, District - Muzaffarpur.
 4. Ramdev Sahani Late Sitaram Sahani Resident of Village - Dadal Koluha, P.S. - Ahiyapur, District - Muzaffarpur.
 5. Seema Devi W/o Rajkumar Sah Resident of Village - Sriramnagar Harpur Ladaud, P.S. - Ahiyapur, District - Muzaffarpur
 6. Sunil Kumar Gupta S/o Mahadeo Prasad Gupta Resident of Village - Sriramnagar Harpur Ladaud, P.S. - Ahiyapur, District - Muzaffarpur

... .. Petitioners

Versus

1. The State of Bihar
2. DASHAI SAHANI S/o Late Rakhu Sahani Resident of Village - Rasulpur Wajid, P.O. - Bhikhanpura, P.S. - Ahiyapur, District - Muzaffarpur

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ S.K.
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 21-10-2021 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners apprehend their arrest for the offences alleged under Sections 420, 467, 468, 471, 120(B)/34 of the Indian Penal Code, registered in connection with Complaint Case No. 272 of 2018.

The allegation as per complaint-petition is that the



accused No. 1 to 4 have fraudulently transferred the ancestral property of the complainant in favor of accused No. 5. It has also mentioned in the complaint-petition that Raghu Sahani who was father of the complainant has only two sons and he had no daughter.

Learned counsel for the petitioner has submitted that the recital in complaint-petition is false and frivolous, the real fact is that Rakhu Sahani had only two daughters Kamahi Devi and Chanari Devi and the complainant is not the son of Rakhu Sahani. He has submitted that it is a case of pure civil nature and it has been given colour of criminal case. It is further submitted that in Paragraph-6 of the S.A. it has been mentioned by the complainant that a Civil Suit is pending between the parties.

Considering the fact that a Civil Suit is already pending between the parties, let the petitioners in the event of their arrest or surrender within four weeks before the court below be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Muzaffarpur in connection with Complaint Case No. 272 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nawneet Kumar Pandey , J)

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