

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.9858 of 2021**

Arising Out of PS. Case No.-667 Year-2012 Thana- MUZAFFARPUR TOWN District-  
Muzaffarpur

- 
1. Kishan Jha, aged about 29 years, male, Son of Late Sudhir Kumar.
  2. Pawan Kumar, aged about 60 years, male, Son of Late Raghunath Kumar.  
Both are Resident of Village- Ghanshyampur, P.S.- Aurai District  
-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Manoj Kumar, Adv.

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**

ORAL ORDER

2      21-12-2021                      Heard the counsel for the parties.

The petitioners seek bail in anticipation of their arrest in connection with Town P.S. Case No. 667 of 2012 instituted for the offences under Sections 420, 467, 468, 471 and 120(B) of the Indian Penal Code.

The petitioners are alleged to have sold the land belonging to the informant in an unauthorized manner to one Shail Devi.

It has been submitted on behalf of the petitioners that they are related to the informant as his nephew and brother respectively. Like the informant, who lives in



Rajasthan with his family, the petitioners also reside in Rajasthan. Because of some unforeseen circumstance requiring money, the petitioners have sold their share of land in the family property.

It has been urged on behalf of the petitioners that assuming that they have sold portion of the land which may have fallen in the share of the informant, that itself not be sufficient to prosecute them for the offences under Sections 420, 467, 468, 471 and 120(B) of the I.P.C. It has further been submitted that the petitioners have executed a sale-deed with respect to family property which has not properly been partitioned.

In any view of the matter, it has been urged that it is a case of civil dispute and the petitioners ought not to have been prosecuted in the present criminal case.

For the reasons afore-stated, the petitioners, in the event of their arrest or surrender before the learned Court below within a period of four weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties



of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Town P.S. Case No. 667 of 2012, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

**(Ashutosh Kumar, J)**

Praveen-II/-

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