

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61352 of 2021**

Arising Out of PS. Case No.-79 Year-2021 Thana- KUDHNI District- Muzaffarpur

1. AJAY PRAKASH Son of Nawal Kishore Choudhary Resident of Village - Kharauna Jairam, Police Station - Kudhani, District - Muzaffarpur.
2. Shiv Kumari Devi Wife of Nawal Kishore Chaudhary Resident of Village - Kharauna Jairam, Police Station - Kudhani, District - Muzaffarpur.
3. Radhesh Chaudhary @ Bambam @ Radhesh Prakash Son of Ajay Prakash Resident of Village - Kharauna Jairam, Police Station - Kudhani, District - Muzaffarpur.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Upendra Kumar Chaubey
For the Opposite Party/s : Mr.Ashok Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 13-07-2022 Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners as well as the learned APP for the State.

The petitioners apprehend their arrest in connection with Kudhani (Turki O.P.) P.S. Case No. 79 of 2021, registered for the offences punishable under Sections 420, 406, 120 (B), 467, 468 and 471 of the Indian Penal Code.



As per allegation, the accused persons obtained the signature of the informant's mother who was 85 years of age after taking her in their confidence and created family partition of the land. They also applied for mutation of their names in revenue records.

Learned counsel for the petitioners has submitted that petitioner No. 1 is son of the brother-in-law of the complainant. Petitioner No. 2 is 85 years old *gotni* of the informant and petitioner No. 3 is son of petitioner No. 1. There is admittedly land dispute between the parties. The informant has already filed a civil suit which is still pending and the matter is sub judice. He has also submitted that the petitioners are the persons of clean antecedents.

It appears to be a case of civil nature. A title suit is pending between both the parties.

Considering the above-mentioned facts and circumstances, let the petitioners, in the event of their arrest or surrender within four weeks before the learned 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 Additional Chief Judicial Magistrate, 1st, west Muzaffarpur in connection with Kudhani (Turki O.P.) P.S.



Case No. 79 of 2021, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Office shall ensure that all defects are removed by the petitioners within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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