

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1064 of 2022

Arising Out of PS. Case No.-60 Year-2020 Thana- TEKARI District- Gaya

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1. Shiv Krishna Awasthi Son of Late Shambhu Saran Awasthi Resident of Village - Sarmaspur, Kohra, P.S.- Lodipur, Distt.- Bhagalpur.
 2. Shailendra Awasthi Son of Shiv Krishna Awasthi Resident of Village - Baheliya Bigha, P.s.- Tekari, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2
For the Opposite Party/s : Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 28-07-2022 At the outset, learned counsel for petitioner submits that due to typing error in address portion of petitioners, resident of village Sarmaspur Kohra, PS – Lodipur District – Bhagalpur has been typed in place of resident of Baheliya Bigha PS-Tekari, District-Gaya.

Permission is granted and the necessary correction be done during course of the day.

Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners apprehend their arrest in Tekari P.S. Case No. 60 of 2020, registered for the offences punishable under Section 420 and other allied sections of the Indian Penal Code.



Allegation against petitioners are that they sold the land of informant on the basis of unregistered *Bakhshishnama*. It is further alleged that they forcibly tried to take possession of the said land and on protest, they also assaulted the informant.

It is submitted that due to land dispute between the parties, this false case has been lodged against the petitioners. Petitioners have got full right, title and possession over the land therefore, execution of sale deed is valid. At best it is case of civil dispute.

However, counsel for informant vehemently opposed the prayer for bail.

Considering the facts aforesaid and the fact that this a case of civil dispute, the petitioners above-named, in the event of their arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, are directed to be enlarged 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 the learned Additional Chief Judicial Magistrate 6th, Gaya in connection with Tekari P.S. Case No. 60 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

vinita/-

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