

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47777 of 2023

Arising Out of PS. Case No.-808 Year-2021 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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1. Dipak Tiwary S/O Late Nageshwar Prasad Tiwary R/O Village- Sharda Nagar Koat Bazar, Ward No. 16, Sitamarhi, P.S And Distt.- Sitamarhi.
 2. Manish Tiwary S/O Late Nageshwar Prasad Tiwary R/O Village- Sharda Nagar Koat Bazar, Ward No. 16, Sitamarhi, P.S And Distt.- Sitamarhi.
 3. Must. Madhu Tiwary W/O Late Dharmendra Prasad Tiwary R/O Village- Sharda Nagar Koat Bazar, Ward No. 16, Sitamarhi, P.S And Distt.- Sitamarhi.

... .. Petitioners

Versus

1. The State Of Bihar
2. Vindeshwar Sah S/O Harishchandra Sah R/O Village- Chandi Rajwara, P.S- Bela, Distt.- Sitamarhi. A/P Mohalla- Mahaveer Nagar, Koat Bazar, Ward No. 14, New, Sitamarhi, P.S and Distt.- Sitamarhi.

... .. Opposite Parties

Appearance :

For the Petitioners : Mr. Dinesh Jha, Advocate
For the Opposite Parties : Mr. Pranav Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Complaint Case No. C1/808/2021, instituted for the offence
punishable under Sections 406, 417 and 418/34 of the Indian
Penal Code.

3. The case of prosecution, in short, is that the
accused persons have committed cheating and forgery by
executing false sale deed in favour of the complainant.



4. Learned counsel for the petitioners submits that the petitioners are innocent and they have falsely been implicated in this case. It is submitted that the land was sold by the petitioner Nos. 1, 2 and 3, in which petitioner Nos. 1 and 2 are the sons of the Nageshwar Tiwary and petitioner No. 3 is the daughter of the Nagendra Tiwary. It is submitted that the said land, in question, is ancestral property of the petitioners. The *khatiyan* of the said land was prepared in the name of Gopal Tiwary, Nageshwar Tiwary and Nagendra Tiwary. It is further submitted that the *Jamabandi* was also created in their favour and the rent receipt was also issued to them. Further, it is submitted that as per the allegation levelled against the petitioners the land in question got sold in the year 2019 and after two years the instant case has been filed. It is further submitted that the matter relates to land dispute. Lastly, it has been submitted that they have no criminal antecedents

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Complaint Case



No. C1/808/2021, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Sitamarhi, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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