

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47121 of 2023

Arising Out of PS. Case No.-26 Year-2023 Thana- GOVINDGANJ District- East Champaran

1. BACHCHALAL MAHTO SON OF LATE VISHUN MAHTO RESIDENT OF VILLAGE- VISHUNPUR MATIARWA, PS- PAHARPUR, DISTT- EAST CHAMPARAN
2. LAICHI DEVI WIFE OF BACHCHALAL MAHTO RESIDENT OF VILLAGE- VISHUNPUR MATIARWA, PS- PAHARPUR, DISTT- EAST CHAMPARAN
3. BASANTI DEVI WIFE OF UMASHANKAR MAHTO RESIDENT OF VILLAGE- VISHUNPUR MATIARWA, PS- PAHARPUR, DISTT- EAST CHAMPARAN
4. BACHCHI DEVI WIFE OF RAM BABU MAHTO RESIDENT OF VILLAGE- VISHUNPUR MATIARWA, PS- PAHARPUR, DISTT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-08-2023 Heard Mr. Ajay Kumar Singh, learned counsel appearing on behalf of the petitioners and Mr. Shailendra Kumar, learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Govindganj (Areraj) P.S. Case No. 26 of 2023, dated 14.01.2023, registered under Sections 406, 420, 467, 468, 470, 471, 120-B, 34 of the Indian Penal Code.

3. As per allegation made in the F.I.R. the parties exchanged certain piece of land relating to their respective piece of land with each other in which petitioners have exchanged



Khata No. 10 appertaining to Khesra No. 70 measuring an area of 07 kathas and 10 dhoors. The allegation that original vendors are wives of the respondents parties and prior to the said exchange the accused persons had executed sale deed in favour of Anand Tiwary with respect to the said piece of land.

4. Learned counsel appearing on behalf of the petitioners submits that the nature of allegation is purely civil in nature and the appropriate remedy is before the competent Civil Court having jurisdiction. However he submitted that no such forgery have been committed by the petitioners and they are of same village and the dispute can be amicably settled between the parties. The petitioners are ready to abide by any terms and conditions to which the informant agree. The petitioners have clean antecedent and they belongs to same family. Learned counsel further submits that petitioners have no objection for resolving the dispute amicably.

5. Mr. Lalan Kumar Verma, learned counsel appearing on behalf of the informant submits that he has received instruction that in case the petitioners agree to give another piece of land which was sold by the petitioners side to the informant the case can be dropped.

6. Learned A.P.P. for the State has vehemently



opposed the prayer for grant of pre-arrest bail to the petitioners.

7. Having considered the rival submissions made on behalf of the parties and taking into consideration the dispute between the parties being purely civil in nature and parties have agreed to resolve the dispute amicably, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Motihari, East Champaran in connection with Govindganj (Areraj) P.S. Case No. 26 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases as what has been stated in paragraph no. 3 of the bail application, this order will automatically loose its force.

(Purnendu Singh, J)

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