

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76464 of 2023

Arising Out of PS. Case No.-5 Year-2023 Thana- MOHIUDDIN NAGAR District-
Samastipur

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1. MAHESH CHANDRA DWIVEDI @ MAHESH DWIVEDI @ MAHESH DWIVEDI Son of Late Shatrudhan Prasad Dwivedi R/o vill - Harail, P.s. - Mohiuddin Nagar, Distt - Samastipur
 2. Nikesh Dwivedi @ Nikesh Kumar Dwivedi Son of Mahesh Dwivedi @ Maheshchandra Dwivedi R/o vill - Harail, P.s. - Mohiuddin Nagar, Distt - Samastipur
 3. Shivkishore Jha @ Bablu Jha @ Shiv Kishore Jha Son of Devanand Jha R/o vill - Tall Dushahra, Garuara, Town Thana, Samastipur, Distt. - Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajoday Satyjeet, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-12-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 420, 467, 468, 471, 120B of the Indian Penal Code.

3. The allegation against the petitioners is that petitioner no.1, by creating forged documents and false *jamabandi* sold the land of the informant to other accused persons and all the buyers, in spite of knowing the fact that the said land does not belong to the seller, purchased the same.



4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to ulterior motive. There is no specific overt act against the petitioners. Petitioner no.3 is mere a deed writer in the alleged sale deed. The allegation levelled against the petitioners is totally false and based on concocted facts. The real fact is that the land in question belongs to petitioner no.1 as it is *khatiani* land of petitioner no.1 being a legal heir of Late Pradip Dubey. It is further submitted that informant also filed a Title Suit No. 135 of 2022 in the Court of Sub-Judge, Patory, Samastipur against the petitioners and thereafter, only with a view to pressurize the petitioners, the present case has been filed. There is civil dispute between the parties. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, as the informant has already filed a title suit against the petitioners, 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 six weeks from today, on furnishing



bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Mohiuddinnagar P.S. Case No. 05 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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