

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70701 of 2023

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

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1. Shyam Kumar Paswan S/O Late Rampratap Paswan R/o vill - Mahmadpur, P.S. - Mohiuddinagar, Distt. - Samastipur
 2. Akhilesh Paswan @ Akhlesh Paswan Son of Baidhnath Paswan @ Baijnath Paswan R/o vill - Mahmadpur, P.S. - Mohiuddinagar, Distt. - Samastipur
 3. Satto Kumar Paswan @ Santosh Kumar Paswan Son of Satyanarayan Paswan R/o vill - Mahmadpur, P.S. - Mohiuddinagar, Distt. - Samastipur
 4. Md. Akhatar @ Md. Akhtar Kativ Son of Md. Majnu R/o vill - Jitwarpur Kumihara, P.S. - Sarairanjan, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar, Adv.
For the State	:	Mr. Pranav Kumar, APP
For the Informant	:	Mr. Amit Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 09-11-2023 Heard Mr. Manoj Kumar, learned counsel appearing on behalf of the petitioners and Mr. Pranav Kumar, learned Additional Public Prosecutor for the State. The informant is represented by Mr. Amit Kumar, learned counsel.

2. The petitioners apprehend their arrest in connection with Mohiuddin Nagar P.S. Case No. 5 of 2023, registered for the offences punishable under Sections 420, 467, 468, 471, 120B of the Indian Penal Code.

3. The petitioners no. 1 to 3 are said to be purchasers of the land in question, whereas petitioner no. 4 is said to be



deed writer. It is alleged that Mahesh Chandra Dwivedi by creating a forged document and forged jamabandi sold the land of the informant to petitioners no. 1 to 3 which land does not belong to Mahesh Chandra Dwivedi and the petitioners knowing very well have purchased the land in collusion with Mahesh Chandra Dwivedi.

4. Submission has been made on behalf of the petitioners that admittedly the land was sold by Mahesh Chandra Dwivedi by claiming himself to be the owner of the land and petitioners no. 1 to 3 are purchasers and the petitioner no. 4, who is the deed writer, had no reason or occasion to make suspicion with regard to their ownership. Moreover, the informant has already filed a suit bearing Title Suit No. 135 of 2022 for cancellation of registered sale deed which is pending in the court of learned Sub-Judge, Patori and thus the informant has been pursuing his civil remedy but only to pressurize the petitioners, the present case has been instituted. He next submitted that the petitioners are men of fair antecedent and they undertake that they will fully cooperate in the investigation or in the proceeding of the court.

5. On the other hand, learned counsel for the State as well as the informant vehemently opposed the bail application



and submitted that the petitioners in collusion with each other knowingly purchased the land from Mahesh Chandra Dwivedi, who was not even the owner of the land and in fact this is the *modus operandi* of the petitioners who indulge in such type of activity in the vicinity.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of the allegation, which is predominantly civil in nature, that apart there is title suit pending between the parties, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Samastipur in connection with Mohiuddin Nagar P.S. Case No. 5 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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