

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18357 of 2024

Arising Out of PS. Case No.-737 Year-2022 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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1. Kumar Nath Prasad Son of Late Yogendra Nath Resident of Hardayal Takij Road, East of Children Park, P.S.- Nagar Katihar, Distt.- Katihar
 2. Amarnath Prasad Son of Late Yogendra Nath Resident of Hardayal Takij Road, East of Children Park, P.S.- Nagar Katihar, Distt.- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mosmat Rachna Devi W/o Late Gopal Nath Prasad R/o Village-Kudipara, P.S.-Nagar Katihar, District-Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jitendra Kumar Giri , Advocate
For the Opposite Party/s	:	Mr. Anant Kumar 1, APP
for OP 2	:	MR. Navjot Yesu, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 22-07-2024 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend their arrest in a case registered for the offence punishable under sections 420 of the Indian Penal Code .

3. As per the prosecution case, one *Mosmat Jaleshwari Devi* gifted the land bearing Khata no. 79, khesta no. 109 of *Mauza Durgapur*, measuring an area of 3 decimal 3 ½



kari of land, in the name of her younger son *Gopal Nath Prasad*, before the marriage of the complainant. The complainant was married to *Gopal Nath Prasad*, but he died on April 13, 2009. The land was transferred to her name in 2012 but the accused persons registered her land in their favor by making a conspiracy .

4. It is submitted on behalf of the petitioners that petitioners are *Bhaisur* of the complainant . Allegedly there is civil dispute between the parties and for which title suit No. 355 of 2012 is already pending between them. He further submitted that the dispute is purely civil in nature and as such no criminal offence is made out against them. Only with a view to settle the civil dispute this false and concocted case has been lodged.

5. Learned counsel for the State as well as Opposite party No. 2 opposed the bail petition .

6 Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within six weeks from today, let the petitioners, as named above, 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 Chief Judicial Magistrate at Katihar District- Katihar in connection with C . A . No. 737 of 2022 , subject to the



conditions laid down under section 438(2) of the Code of Criminal Procedure .

(Prabhat Kumar Singh, J)

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