

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43945 of 2024

Arising Out of PS. Case No.-315 Year-2014 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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1. Bhagya Narayan Paswan Son Of Late Yogi Paswan R/O- Village-Kazi Mohammadpur, P.S.- Paroo, District- Muzaffarpur
 2. Lal Bahadur Kushwaha @ Lal Babu Kushwaha Son Of Jagarnath Kushwaha Resident Of Village- Kazi Mohmadpur, P.S.- Paroo, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nagina Kuer W/O- Late Sukhdeo Bhagat Resident Of Village- Kazi Mohmadpur, P.S. Paroo, District- Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 20-07-2024 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. 315 of 2014 instituted for the offence punishable under Section 420, 467, 468, 471, 120(B) of the Indian Penal Code.

3. The prosecution case, in short, is that the opponent alleges that the petitioners got her land registered through fake challan, acquiring her signature forcefully on a plain paper. Also, the further sale of land is disputed under Mutation Case No. 52 of 2012-13 which is pending before Court of Land



Reformer Deputy Collector, West Muzaffarpur.

4. Learned counsel for the petitioner submitted that petitioner no. 1 purchased the land from the complainant who executed sale deed in favour of petitioner no. 1 and the complainant executed disputed sale deed in favour of petitioner number 2. Learned counsel for the petitioners submitted that the aforesaid sale deed was executed after receiving of the consideration money. Nothing remains to be paid by the petitioner. It is submitted that after execution of sale deed possession has been given to petitioner no. 1. Thereafter, petitioner no. 1 convened a meeting (Panchayat) wherein O.P. No. 2 agreed to execute another land in lieu of disputed land and took time but till date O.P. No.2 did not execute the deed and wants to usurp the consideration money. It is submitted that in the background of the case and the nature of the dispute, the only remedy lies to the civil side as it is civil dispute. It is submitted that petitioners have no criminal case against them.

5. Learned A.P.P. has opposed the prayer for anticipatory 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. 315 of 2014, he will be released on 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 Court No. 2 of Judicial Magistrate, 1st Class (West) Muzaffarpur subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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