

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47943 of 2024

Arising Out of PS. Case No.-318 Year-2020 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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1. Jagdev Mukhiya Son of Late Baleshwar Mukhiya Resident of Village - Gunakarpur, Police Station - Lakhnaur, District - Madhubani.
 2. Pashupati Nandan Singh Son of Late Ram Nandan Singh Resident of Village - Lakhnaur, Police Station - Lakhnaur, District - Madhubani.
 3. Shiv Shekhar Yadav Son of Ram Sharan Yadav Resident of Village - Lakhnaur, Tole - Belahi, Police Station - Lakhnaur, District - Madhubani.
 4. Baij Nath Paswan @ Baidh Nath Paswan Son of Late Nathuni Paswan Resident of Village - Gunakarpur, Police Station - Lakhnaur, District - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajiv Ranjan Son of Shri Mahesh Prasad Yadav Resident of Village - Lakhnaur, Tole - Belhi, Police Station - Lakhnaur, District - Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar Prasad, Adv.
For the State	:	Mr.Awadhesh Kumar Singh,A.P.P.
For the Complainant	:	Mrs. Madhubala Verma, Adv.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 25-09-2024 Heard learned counsel for the petitioners, learned counsel appearing on behalf of the complainant and learned A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Complaint Case bearing C.R. No. 318 of 2020 registered for the alleged offences under Section 420, 120(B), 467 and 468 of the Indian Penal Code. Later on cognizance has been taken under Section 420 of the Indian Penal



Code.

03. As per prosecution case, co-accused Pappu Yadav, brother of the complainant sold the land of the complainant in favour of petitioner no. 1 and other petitioners connived with them in this fraudulent transaction.

04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Learned counsel submits that petitioner no. 1 is the purchaser and has purchased the land in question from the brother of the complainant for consideration. Petitioner no. 2 and 3 are identifiers and petitioner no. 4 is witness of the Sale Deed dated 14.10.2020. The land in question is ancestral property and there is a partition dispute in the family of co-accused Pappu Yadav who has filed Partition Suit No. 76 of 2018 since father of the co-accused executed a Gift Deed in favour of the brother and sister of the co-accused, being a co-sharer the co-accused also sold a portion of the land. The facts show it is a purely civil dispute. However, learned trial court took cognizance under Section 420 of the Indian Penal Code but no offences under Section 420 is made out against these petitioners. Learned counsel further submits that petitioner no. 1 and 2 have no criminal antecedent whereas petitioner no. 3 and 4 are having antecedents of two cases each.

05. Learned A.P.P. for the State and learned counsel



appearing on behalf of the complainant vehemently opposes the submission made on behalf of the learned counsel for the petitioners. Learned counsel appearing on behalf of the complainant submits that the petitioners are all residents of the same village and they were knowing the fact that the land in question does not belong to the co-accused Pappu Yadav still they entered into the contract with co-accused who sold the land belonging to the complainant and his sister. The learned counsel further submits that the partition case has been decided and the land has not been given in the share of the co-accused. Learned counsel further submits that petitioner no. 3 has three criminal antecedents whereas only two criminal antecedents has been mentioned in the present petition.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the civil nature of dispute and possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Court of Judicial Magistrate-1st Class, Jhanjharpur, Madhubani in connection with Complaint Case bearing C.R. No. 318 of 2020, subject to the



condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

07. However, before accepting the bail bond of petitioner no. 3, the learned trial court would verify the criminal antecedents and if there are more then two antecedents as mentioned in paragraph no. 3 of the present petition, the bail bond of petitioner no. 3 would not be accepted.

(Arun Kumar Jha, J)

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