

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65055 of 2023

Arising Out of PS. Case No.-908 Year-2022 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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1. MANOJ KUMAR MAHTO son of Lallu Mahto Village- Hawali Ps- Bihar Dist- Nalanda
 2. Karu Mahto son of Late Lallu Mahto Village- Hawali Ps- Bihar Dist- Nalanda
 3. Deepak Mahto son of Late Lallu Mahto Village- Hawali Ps- Bihar Dist- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shiv Kumar Mahto son of late Sidheshwar Mahto Village- Hawali Po- Muiraura Ps- Bihar Dist- Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Usha Kumari 1, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

9 27-08-2024 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, 467, 468 and 34 of the Indian Penal Code .

3 . The case of the complaint, in brief, is that 10 decimal of lands of *Khata* No. 347 Plot No. 1634 belongs to complainant. The accused persons named in the complaint petition have fraudently sold the same registered through Sale Deed No. 6509 and Sale Deed No. 6510, dated May 23, 2022, to co-accused *Baleshwar Prasad*, and co-accused *Sangeeta*



Kumari. Navlesh Kumar is the identifier, *Ramesh Kumar* is a witness of the sale deed.

4. It is submitted on behalf of the petitioners that the land sold by petitioners belongs to their share. Plot no. 1634 area 20 decimals is recorded in the name of Nathu Mahto and Faggu Mahto both sons of Khedan Mahto. Faggu Mahto was great grandfather of Lalu Mahto and these petitioners are sons of Late Lalu Mahto. The land in question is khatiyani belongs to ancestor of these petitioners. The dispute is with respect to sale and purchase of land between the parties which is civil in nature . Even if the allegations are accepted to be true, these petitioners cannot be said to have committed any offense of cheating or criminal breach of trust.

5 . Learned counsel for the State opposed the bail petition.

6 Considering the fact that dispute involved in this case is of civil nature and other 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 Judicial Magistrate First Class Nalanda at Bihar Sharif in connection



with Complaint Case No. 908 C 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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