

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80950 of 2023

Arising Out of PS. Case No.-357 Year-2022 Thana- DIDARGANJ District- Patna

1. MAHESH PRASAD SON OF RAM SWAROOP MAHTO RESIDENT OF MOHALLA - CHHOTI NAGLA, P.S. - MALSALAMI, TOWN AND DISTRICT - PATNA
2. RAMESH PRASAD SON OF RAM SWAROOP MAHTO RESIDENT OF MOHALLA - CHHOTI NAGLA, P.S. - MALSALAMI, TOWN AND DISTRICT - PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nagadeo Choubey
For the Opposite Party/s : Mr.Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 05-03-2024 Heard learned counsel for the parties.

2. The petitioners apprehend their arrest in a case registered for the offence under Sections 147, 341, 384, 420, 467, 504, 506 of the Indian Penal Code.

3. The prosecution case in short is that the informant's father-in-law had total 106 decimal land in two khasra in which her father-in-law sold 42 decimal land of khasra no.649 to one Parmeshwar Bhagat and remaining total 64 decimal which have allotted to her father-in-law after partition amongst his brother and she is only hire got title and interest in the said land, in the meantime, the accused persons on the basis of forged baibeyana deed said to be executed by her mother-in-law in favour of the



accused have filed a case of Specific Performance against her mother-in-law in the year 1996 whereas her mother-in-law died on 16.01.1996 against a dead person keeping the Court in dark and obtained a decree from the Court and on the basis of said decree, he got execution of sale deed in his favour through the Court. On enquiry, it came to know that the Court had executed deed in the name of Kaushalya Devi, wife of Late Ramanand Yadav whereas she is Kaushalya Devi, wife of Late Shiv Nandan Yadav. On enquiry, it came to know that after manipulation in the paper and on the basis of said forged paper on 06.01.2022, he along with five unknown persons came on the said land and tried to erect and upon objection, the accused persons started abusing and pointed pistol and gave threatening and demanded of Rs.20 Lakhs as rangdari.

4. It is submitted on behalf of the petitioners that in retaliation, they have been falsely implicated in the present case. Complaint Case bearing No.1459 of 2018 which has been filed by petitioner No.1 against the informant and others. The similar issue was raised before Circle Officer, Sadar who after proper enquiry passed order dt. 21.01.2022 wherein the learned C.O. confirmed the possession of the petitioners. Lastly,



learned counsel submits that the dispute is purely civil nature.

5. Learned A.P.P. for the State has opposed the bail petition.

6. Considering the aforesaid facts and circumstances, let the above named petitioners, in the event of their arrest or surrender within a period of six weeks from today, 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 learned Judicial Magistrate, Ist Class, Patna City in connection with Didarganj P.S. Case No. 357 of 2022, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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