

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20071 of 2015

Arising Out of PS.Case No. -125 Year- 2014 Thana -RAMGARHWA District-
EASTCHAMPARAN(MOTIHARI)

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1. Motilal Sah Son of Late Jagan Sah,
2. Ramesh Sah, Son of Motilal Sah,
3. Bindawali Devi, Wife of Motilal Sah,
All resident of Village - Dhanhar, Dehuli, P.S. - Ramgarhwa, District - East
Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shakil Ahmad Khan, Advocate
For the Opposite Party/s : Mr. Dr. Indihar Kumari (APP)
For the Informant : Mr. Harendra Kumar Tiwary, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 24-09-2015 Heard learned counsel for the petitioners, informant
and learned counsel for the State.

The petitioners, being the father, mother and brother
of accused namely, Bhola Sah are apprehending their arrest in
connection with Ramgarhwa P.S. Case No. 125 of 2014
registered for the offences punishable under Sections 420, 406,
407 and 120(B) of the Indian Penal Code.

Learned counsel for the petitioners submits that a
bare perusal of the FIR reveals that the negotiation for sale and
purchase of land have been executed between Bhola Sah (son of
petitioner Nos. 1 and 2) and brother of petitioner no. 3.

Learned counsel for the informant submits that so far as Bhola Sah is concerned, the matter has been sent to Mediation. It is further submitted that petitioners have criminal antecedents.

In reply, learned counsel for the petitioners submits that there was some dispute between the agnates of the petitioners in the year, 2002 and an FIR was instituted against them, in which, they have already been extended the privilege of bail, as stated in supplementary affidavit.

Considering the fact that the person, who is said to be the owner of the land, has received part of the consideration amount, and because as stated, he was negotiating merely with Bhola Sah and the informant Dhruv Narayan Kushwaha and further that save and except the allegation that these petitioners had resisted the execution of the sale deed, there is no cogent material on record to connect the petitioners, let the petitioners named above, in the event of their arrest or surrender before the Court below within a period of three weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, East Champaran, Motihari in connection with Ramgarhwa P.S. Case No. 125 of 2014 subject to the conditions

as laid down under Section 438 (2) of the Cr. P.C.

(Anjana Mishra, J)

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