

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14961 of 2015

Arising Out of PS.Case No. -291 Year- 2014 Thana -BEGUSARAI TOWN District- BEGUSARAI

1. Anup Rai Son of Late Baiju Rai
2. Debo Devi Wife of Anup Rai
Both residents of Village : Pipra, P.S. Nagar (Ratanpur), District :
Begusarai.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Satyapal Singh

For the Opposite Party/s : Mr. Amrendra Pd.(App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 11-05-2015

Heard both sides.

The petitioners apprehend their arrest in a case under
Sections 420/34 of the Indian Penal Code.

The informant alleged that the petitioners
fraudulently got a sale deed executed on 13.03.1974 with regard to
10 dhurs of land from the uncle and the father of the informant but
the petitioners fraudulently mentioned area of the entire land in the
sale deed. Learned counsel for the petitioners submits that the
petitioners got transferred only 10 dhurs of land. The area is
wrongly mentioned. The sale deed is required to be corrected. No
offence is made out under Section 420 I.P.C.

On the other hand, learned counsel for the informant
submits that the petitioners have got criminal antecedents and they

are not liable to be enlarged on anticipatory bail.

From a bare perusal of the contents of the complaint petition, on the basis of which the present F.I.R. was lodged, it appears that the father and the uncle of the informant-complainant sold 10 dhurs of land on 13.03.1974. If the area of the land is wrongly mentioned in the sale deed, the entire land cannot be deemed to be transferred to the petitioners. The informant has already filed a title suit and the same is pending. Even if the petitioners have got criminal antecedents, considering the facts aforesaid, I find that the petitioners deserve anticipatory bail.

Accordingly, the above named petitioners, in the event of their arrest or surrender in the court below within four weeks from today, are directed to 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 learned A.C.J.M., Begusarai in Nagar (Ratanpur) P.S. Case No. 291 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Dilip/-

(Prabhat Kumar Jha, J)

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