

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9091 of 2015

Arising Out of PS.Case No. -52 Year- 2014 Thana -SHEOHAR District- SHEOHAR

1. Ashok Kumar Yadav, son of Late Ram Sahay Yadav,
2. Parshuram Kumar, son of Showan Rai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lal Babu Singh, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-04-2015

Heard the learned counsels for the petitioners and the
State.

The petitioners are apprehending arrest for the offence
punishable under Sections 323, 420, 467, 468 and 504 of the
Indian Penal Code.

The prosecution case is that the land of khata no.653,
plot no. 4210 situated at village Ambakala under Piprahi P.S. was
the ancestral land of Most. Surti Devi, wife of late Rameshwar
Shah. The father of the petitioners, Khena Rai got the 2 acre and
10 decimal of land through registered sale deed dated 12.03.1970
through a fictitious lady who impersonated Most. Surti Devi the
original raiyat. Subsequently, Most. Surti Devi challenged the
alleged sale deed through Title Suit No. 85 of 1970. The title suit
was decreed by judgment and decree dated 20.06.1975 and

12.07.1975. Subsequently, Most. Surti Devi transferred 9 decimal of land through a sale deed dated 02.06.1977 to the father of the complainant and one Jagroop Rai. Most. Surti Devi sold rest of the land of plot no.4210 to the witnesses of the complaint petition. It is further alleged that the co-accused Birendra Prasad Yadav, son of Khenai Rai, who initially claimed to have purchased the land, transferred 1 ¼ Kattha land in favour of Sikander Rai and Ram Kahu Rai on 07.02.2014. The petitioners are witnesses to the sale deed.

It is submitted by the learned counsel for the petitioners that the petitioners are simply the witnesses to the sale deed as Birendra Prasad Yadav was claiming the land in question since long. Moreover, the petitioners are not the beneficiary of the transfer through alleged sale deed.

Considering the fact that the thrust of accusation is against the co-accused Birendra Prasad Yadav and statement made in paragraph 3 of the petition that the petitioners have no criminal antecedent, let them be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate,

Sheohar in connection with Sheohar P.S. Case No.52 of 2014,
subject to the conditions as laid down under Section 438(2)
Cr.P.C.

Ashwini/-

(Dinesh Kumar Singh, J)

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