

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49081 of 2014

Arising Out of PS.Case No. -83 Year- 2014 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

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1. Dharmendra Bhagat Son of Dinesh Bhagat
2. Dinesh Bhagat Son of Late Mangal Mahto Both R/o Village - Madhubani
Ghat, P.S. - Motihari Muffasil, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary

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

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

6 04-08-2015 Heard learned counsel for the petitioners and
learned counsel for the State.

The petitioners apprehend their arrest in
connection with Motihari Muffasil P.S. Case No. 83 of 2014
registered for the offences punishable under Sections 364 and
120B of the Indian Penal Code.

Learned counsel for the petitioners had earlier
submitted that the petitioners are bona fide purchasers from
the husband of the informant and they have no role to play in
the disappearance of the husband of the informant. It is further
submitted that the lady in question has lodged the case on the
basis of mere suspicion.

Learned counsel for the informant has also
appeared in this case and submits that these petitioners have



been moving around along with the husband of the informant and the husband being of low mental state had been indulging in taking wine and other intoxicants in the company of these petitioners and it was under such state of mind that the informant's husband had entered into a sale deed which had since been challenged in a court of competent jurisdiction. It is further submitted and brought on record a legal notice sent by an advocate regarding the fraudulent act of transfer of land on the direction of the victim who has since disappeared and is traceless till date.

Countering the said allegation, learned counsel for the petitioners submits that they are bona fide purchasers from the victim and it is this lady who has only out of suspicion made the present allegation since the title suit is pending.

This Court, after perusing the entire gamut of circumstances, and also the original sale deed which has been executed by the husband of the informant, prima facie, feels that save and except suspicion expressed by the informant, there is no further material on record to show that the petitioners had participated in the said occurrence.

Considering the aforesaid submissions, let the petitioners above named, 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) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, East Champaran, Motihari in connection with Motihari Muffasil P.S. Case No. 83 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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