

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43752 of 2017

Arising Out of PS.Case No. -133 Year- 2017 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

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1. Niranjan Sahni, Son of Late Jokhan Sahni,
2. Jaimangal Sahni Son of Late Jokhan Sahni,
3. Jaikaran Sahni Son of Late Jokhan Sahni,
4. Anil Sahani Son of Late Jokhan Sahni, All are R/o Kothiya, P.S.-
Madhuban, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Gopal Prasad son of Prabhu Ram Prasad @ Prabhu RAM Jaiswal, R/o
village- Gulbara Madhuban, P.S.- Madhuban District- East Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Adv.
For the Opposite Party/s : Mr. Sri Amitesh Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

7 15-12-2017 Heard learned Counsel for the petitioners and

learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Madhuban Police Station Case No. 133 of 2017,
disclosing offences under Sections 420, 406, 424, 467, 468, 471,
506, 384 and 34 of the Indian Penal Code.

Learned counsel for the petitioners has submitted
that there is general and omnibus allegation against these
petitioners and no specific overt act is attributed to them. In fact,
the petitioners neither happen to be owner of the alleged land
nor taken any amount with respect to the land in question rather
the owner of the land namely Ravindra Kumar Danish has
executed the sale deed with respect to the land in question in
favour of the informant and these petitioners have no role to play



in the entire matter. As a matter of fact, the alleged occurrence took place in the year 2011 whereas the present F.I.R. has been lodged in the year 2017 after lapse of six year, which itself creates doubt over the prosecution version. The dispute between the parties is civil in nature, therefore no criminal liability be imposed on the petitioners. Hence, the petitioners deserve the privilege of anticipatory bail.

Learned counsel for the opposite party No.2 has vehemently opposed the prayer for bail and submitted that these petitioners in connivance with others have cheated the informant by executing the sale deed after realizing the amount of Rs. 2400000/- with respect to a land, which has no existence.

Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the Court below within six weeks, be released 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 A.C.J.M.-IV, Motihari, East Champaran, in connection with Madhuban Police Station Case No. 133 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Arvind Srivastava, J)

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