

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38010 of 2018

Arising Out of PS.Case No. -36 Year- 2018 Thana -CHAURADANO District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Omprakash Rai @ Omprakash, Son of Late Raj Kishore Prasad
Yadav resident of Village - Chainpur, P.O. and P.S. Chhauradano,
District - East Champaran.
 2. Mostt. Panna Kunwar, Wife of Late Ramdhar Choudhary Resident
of Village - Chainpur, P.O. + P.S. - Chhouradano, District - East
Champaran.
 3. Dharmendra Yadav, Son of Hardeyal Yadav Resident of Village -
Katkanwa, P.O. + P.S. Mahuawa, District - East Champaran.
 4. Md. Yusuf, Son of Md. Yakub resident of Village - Masahi, P.O. +
P.S. - Chhauradano, District - East Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar

For the Opposite Party/s : Mr. Sri Ajay Kumar Jha

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

02/ 05-07-2018

Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners are apprehending their arrest
in a case registered for the offences punishable under Sections
341, 420, 384, 504 and 506/34 of the Indian Penal Code.

The prosecution case, as per the written



report of Subhash Chandra Prasad Yadav dated 11.02.2018 submitted to the Station House Officer, Chhauradano P.S., is to the effect that the informant purchased four katha of land appertaining to revenue Thana No. 193, Khata No. 24/27, Plot No. 104 situated in village Bachanpur from one Ramnarayan Choudhary and others on 18.02.2002. The sale deed was executed in favour of the wife of the informant, Chandrawati Devi when mutation was done and jamabandi was created. It is alleged that out of four kathas of land 2 katha and 10 dhurs of the purchased land of the informant has been transferred by petitioner no. 2, Mostt. Panna Kunwar in favour of petitioner no. 1, Omprakash Rai and petitioner no. 3, Dharmendra Yadav when petitioner no. 4, Md. Yusuf is a witness to the sale deed.

It is submitted by learned counsel for the petitioners that petitioner no. 2, Mostt. Panna Kunwar has bonafide title over the land appertaining to Plot No. 24/27 since the father-in-law of Mostt. Panna Kunwar has acquired title over an area of 14 katha 2 dhurs of the aforesaid land vide Nilami Patta on 15th April, 1937, who died leaving behind his only one late Ramadhar Choudhary, who died issueless and after the death of Ramadhar Choudhary, the petitioner inherited the said property. The title of Mostt. Panna Kunwar has also been



admitted by the informant which gets reflected from the sale deed No. 8187 dated 26.12.2013 as the aforesaid sale deed was executed by Nand Kishore Prasad and others in favour of Sanjeev Kumar, Son of Subhash Chandra Prasad, the informant. Hence, no offence under Section 420 of the I.P.C. is made out against the petitioners. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP, however, submits that the petitioners fraudulently got transferred the land of the informant.

Considering the fact that the sale deed was executed in favour of petitioner nos. 1 and 3 on 30.11.2017, the FIR was registered on 11.02.2018 and the accusation arising out of civil nature of dispute coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Raxaul at Motihari, East



Champaran in connection with Chhauradano P.S. Case No. 36 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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