

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1577 of 2018

Arising Out of PS. Case No.-253 Year-2017 Thana- MAJHAULIA District- West Champaran

1. Rita Devi
2. Sanjay Tiwari alias Rajesh Kumar Tiwari,
3. Rajan Ojha alias Rajan Kumar Ojha

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saket Tiwary
For the Opposite Party/s : Mr. SRI ANIL KUMAR SINGH 1

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 11-01-2018 Heard learned counsel for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 420,467,468 and 471/34 of the IPC.

The prosecution case as per the written report of Thag Pathak is to the effect that the husband of the petitioner no. 1 namely, Shambhu Pathak executed sale deed with regard to 4 dhurs of land appertaining to Khata No. 147, Plot No. 436 in favour of his daughter Pammi Devi and 13 dhurs of land in favour of petitioner no. 2 Sanjay Tiwari.

It is submitted by learned counsel for the petitioners that the petitioner nos. 1 and 3 have falsely been implicated



only because the husband of petitioner no. 1 executed the sale deed in favour of his daughter Pammi Devi and since petitioner no. 3 is husband of Pammi Devi. Husband of petitioner no. 1 is the co-sharer of the land and son of the brother of the informant. Earlier the informant filed Complaint Case No. 336C of 2009 with the same accusation wherein process was not issued against the petitioner no. 1, while others were ultimately acquitted.

Learned counsel for the informant submits that the husband of petitioner no. 1 has fraudulently transferred the land and subsequently the petitioner nos. 1 and 3 came and assaulted the informant.

Considering the fact that prima facie accusation under sections 420, 467, 468 and 471 of the IPC is, prima facie, not made out against petitioner nos. 1 and 3 and thrust of accusation is against co accused Shambhu Pathak coupled with the fact that petitioners are on litigating terms with the informant, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM, Bettiah (West



Champaran) in connection with Manjhaulia P.S. Case No.
253 of 2017, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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