

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7177 of 2018

Arising Out of PS.Case No. -444 Year- 2017 Thana -COMPLAINT CASE District- ARRARIA

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1. Shankar Sah, S/o Late Ramswarup Sah,
2. Jitendra Sah @ Jitendra Kumar Sah, S/o Shree Shankar Sah,
3. Anand Kumar Sah S/o Shree Shankar Sah,
4. Jiwchhi Devi D/o Late Ganga Sah,
5. Shitia Devi D/o Late Ganga Sah,
6. Dipchand Sah S/o Late Boukai Sah,
7. Badri Sah S/o Late Boukai Sah, All are R/o Village- Dakshin Maheshwari, P.S.- Jogbani, District- Araria.

.... Petitioners

Versus

1. The State of Bihar.
2. Ravi Lal Sah S/o Late Dhanik Lal Sah, R/o Village- Dakshin Maheshwari, P.S.- Jogbani, District- Araria.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rama Nand Poddar

For the Opposite Party/s : Mr. Sri Sanjay Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 17-02-2018

Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in relation to Complaint Case No. 444 of 2017 registered under Sections 420, 120B, 467, 468, 147, 148, 341, 323, 504 and 506 of the Indian Penal Code, pending in the court of Shree A. Ranjan, Judicial Magistrate, 1st Class, Araria.

At the outset, learned counsel for the petitioners seeks permission to withdraw this application as regard petitioner no. 7 who is said to have been arrested by police during pendency of this application.



Petitioner nos. 1 to 6 are seeking anticipatory bail in connection with Complaint Case No. 444/2017 in which cognizance has been taken under Section 420 and 406 of the Indian Penal Code and these petitioners have been summoned to stand trial.

Learned counsel for the petitioners submits that petitioner nos. 1, 2 and 3 are purchasers of the land whereas petitioner nos. 4 and 5 are the vendors, whereas petitioner no. 6 is the Samdhi of petitioner no. 1 who has participated and arranged the deal with respect to the land in question.

Learned counsel for the petitioner submits that the nature of allegations are of civil disputes which have been tried to be given a colour of criminal proceeding. Learned counsel submits that the vendors (petitioner nos. 4 and 5) have executed a sale deed in respect of land in question in consideration in favour of petitioner nos. 1, 2 and 3, and so far as petitioner no. 6 is concerned, he has arranged the deal. The sale deed has been executed in the year 2010 and thereafter rent receipts have been issued in favour of these petitioner nos. 1, 2 and 3.



On the other hand, learned Additional Public Prosecutor for the State points out that from the complaint petition it is clear that the Khatihani raiyat Ganga Sah who happened to be the father of petitioner no. 4 and 5 had executed a registered sale deed of the land in question in favour of the complainant and it is the claim of the complainant that after lapse of considerable period the land mafias managed this deal in order to create a dispute and the land which was already sold to the complainant has been re-sold by concealment of material facts from the registrar at the time of registration of sale deed. Learned Additional Public Prosecutor therefore submits that there are some allegations which give a *prima facie* understanding that these petitioners have connived and conspired in the matter of execution of the sale deed in the year 2010 and thereby played a fraud with the registry.

Having considered the facts and circumstances, even though the disputes relates to a piece of land but in the opinion of this court every dispute in respect of piece of land cannot be said to be a mere civil dispute. The facts as appearing and admitted by learned counsel for the petitioners that there was a sale deed



executed by Khatihani raiyat Ganga Sah earlier in favour of the complainant which has not been cancelled so far through competent court of law, I am not inclined to grant anticipatory bail to these petitioner.

Accordingly, prayer for anticipatory bail of these petitioners are rejected and this application is dismissed.

(Rajeev Ranjan Prasad, J.)

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