

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6259 of 2018

Arising Out of Complaint Case No.-389 Year-2017 Thana- MADHEPURA COMPALINT
CASE District- Madhepura

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1. Lalbahadur Das, Son of Late Domi Das,
 2. Sachendra Das, Son of Bisundeo Das.
 3. Sikendra Das, Son of Bisundeo Das.
 4. Surendra Das @ Surendra Kumar, Son of Bisundeo Das.
 5. Bisundeo Das @ Bishundeo Das, Son of Late Musho Das.
 6. Rajdeo Das @ Rajdeo Sah, Son of Nirdhan Das,
- All are resident of Village- Laxhmipur, Bhagwati, P.S.- Srinagar,
District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Asha Devi, Wife of Sri Anmol Das, Resident of Village- Laxhmipur, Bhagwati, Ward No. 14, P.S.- Srinagar, District- Madhepura.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Adv.
For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-02-2018 Heard learned Counsels for the petitioners and learned
APP for the State.

The petitioners are apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 323, 341, 504 and 420 of the Indian Penal Code.

The prosecution case as per the complainant Asha Devi is to the effect that 18 Katha of the land was purchased by the complainant in the year 1998 from one Sukhdeo Jha through registered sale deed from her Stridhan and rest 12 katha of land



was obtained by her father-in-law through partition. Mutation of 12 katha of land is running in the name of her father-in-law and mutation of 18 katha of land is running in the name of the complainant. Thereafter, the complainant and her father-in-law were in possession over the said land. Two months ago when the husband of the complainant was repairing the boundary of the said purchased land, petitioner nos. 2 to 5 protested and suggested that they have purchased this land. Thereafter, the complainant enquired and found that 0.5 decimals of the land of the complainant was transferred by petitioner no.1 through sale deed dated 02.09.2016 in favour of petitioner nos. 2, 3 and 4, wherein, petitioner nos. 5 and 6 helped them to get the sale deed executed.

It is submitted by learned counsel for the petitioners that the land in question was purchased by the father of petitioner no.1 namely Domi Das in 1965 and on the basis of which he was in possession over the said land and consequently the sale deed was executed. Petitioner nos. 2, 3 and 4 are the *bona fide* purchasers of the aforesaid land, when there is no involvement of petitioner nos. 5 and 6 in execution of sale deed. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.



It is submitted by Mr. J. N. Thakur, learned APP for the State that there is specific accusation against the petitioners.

Considering the accusation arising out of civil nature of dispute between the parties coupled with statement made in paragraph no.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 12 weeks from today, 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 JM, 1st Class, Madhepura, in connection with Complaint Case No.389 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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