

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62696 of 2017

Arising Out of PS.Case No. -77 Year- 2017 Thana -PURAINI District- MADHEPURA

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1. MANTU MUKHIYA,
 2. Fantu Mukhiya,
 3. Tapsi Mukhiya, All sons of Late Dhaniklal Mukhiya, All residents of Village- Nardah, P.S.- Puraini, District- Madhepura.
 4. Dinesh Singh @ Dinesh Kumar Singh, Son of Brahmdeo Singh, Residents of Village- Murlichawa, P.S.- Udakishunganj, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar. Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Shekhar Kumar Singh, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-01-2018 Heard the learned counsel for the petitioners and the learned APP for the State.

This is an application for grant of anticipatory bail in connection with Puraini P.S. Case No. 77 of 2017 registered for the offence punishable under Section 420, 467, 468 and 471 of the Indian Penal Code.

The case of the prosecution is that the co-accused persons, namely Bilchan Mukhiya and Bechan Mukhiya, who are the grand sons of Fago Mukhiya, who had inherited property, have clandestinely executed a registered sale deed in favour of the petitioners no. 1, 2 and 3 and the petitioner no. 4 is a witness to the said sale deed.

The learned counsel for the petitioners submits that as far as the petitioners no. 1, 2 and 3 are concerned, they are the



purchasers of the land and therefore, they had no occasion to have the knowledge about the genuineness of the seller and as far as the petitioner no. 4 is concerned, he is a witness to the said sale deed. It is further submitted that at best the allegations levelled in the present case makes out a case of civil dispute and the informant has remedy before the competent court of civil jurisdiction. It is also submitted that the FIR has been filed after five years delay from the execution of the sale deed. It is also the case of the petitioners that they have a clean antecedent.

Considering the facts and circumstances of the case, I deem it fit and proper to enlarge the petitioners above named, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Udakishunganj, District-Madhepura in connection with Puraini P.S. Case No. 77 of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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