

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65296 of 2018

Arising Out of PS. Case No.-361 Year-2018 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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1. Ashok Kumar Saha @ Ashok Kumar Sah, Son of Late Laxmi Pd. Saha.
 2. Sunita Saha @ Sunita Sah, Wife of Ashok Kumar Saha @ Ashok Kumar Sah,
Both resident of Village- Ashoka Grand Hotel, P.S.- Tilka Manjhi, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Prakash Sharma, Adv.
For the Opposite Party/s : Sri Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-12-2018 Heard learned Counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 419,420,448,467,468 and 471 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report dated 24.02.2018 submitted by Yugal Kishore Kotriwala to the Sr. Superintendent of Police, Bhagalpur to the effect that the informant is the absolute owner of a particular piece of land, appertaining to Khata No. 21, Khesra No.39, situated in Mohalla- Mandichak, Mouja-Nagar Nigam, Circle -Jagdishpur, District- Bhagalpur. The land in question was purchased by the late



mother of the informant, namely, Suti Devi Kotriwal, through registered sale deed dated 12th September, 1990 from one Shree Uma Shankar Mills Pvt. Ltd (in Liquidation) through Sri Nathmal Himatsingka. After death of the mother of the informant, the informant became absolute owner of the land in question. It is alleged that the petitioners are trying to encroach the land in question by storing construction material over it while making construction over a piece of land adjacent to the land in question. It is further alleged that petitioner No.2, Sunita Sah, who is wife of petitioner no.1 claiming herself owner of the adjacent land. As a result, the informant decided to construct a boundary wall in order to protect his land in question, but it was obstructed by the petitioners and others and they abused the informant and others. Subsequently, one Sugandh Kumar Jha surfaced and claimed his title and possession over the land in question by virtue of an alleged agreement to sale dated 31st December, 2015 executed by the informant in favour of Sugandh Kumar Jha, after taking consideration amount of Rs.35,00,000/-.

It is submitted by learned counsel for the petitioners that the informant is trying to resolve the civil nature of dispute by filing the present criminal case. It is further submitted that moreover, Title Suit No. 63 of 2018 was filed prior to lodging of the present case. 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 learned APP for the State that there is specific accusation against the petitioners.

Considering the civil nature of dispute, 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 CJM, Bhagalpur, in connection with Kotwali (Tilka Manjhi) P.S. Case No.361 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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