

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1001 of 2018

Arising Out of PS.Case No. -210 Year- 2017 Thana -RUPAULI District- PURNIA

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1. Gopal Prasad Sah @ Gopal Sah, S/o Late Ansari Sah
2. Gyanchandra Sah
3. Deepak Kumar
Both S/o Gopal Prasad Sah @ Gopal Sah
All residents of Mohanpur Bazar, P.S. - Rupauli (Mohanpur), Distt. -
Purnia.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ramanand Gupta, son of late Arjun Pd. Sah, r/o village Mohanpur
Bazar, P.S. Rupauli (Mohanpur), Distt. Purnia

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Advocate.
Mr. Jitendra Kumar, Advocate.
Mr. Vijay Kumar Sah, Advocate.
For the informant : Mr. Sanjay Kumar Singh, Advocate.
For the State : Mr. Nawal Kishore Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 20-03-2018 Heard learned counsel for the petitioners and the
State.

The petitioners apprehend their arrest in **Rupauli P.S.**
Case No. 210 of 2017 instituted for the offence under Sections
341, 323, 120(B), 420, 467, 468, 504 and 506/34 of the Indian
Penal Code.

It is alleged in the written report that informant had
purchased land bearing Khata No. 551 measuring 4.25 decimals
from Gayanchand Sah, son of Gopal Sah, and he was in peaceful
possession over the same and constructed house over the aforesaid



land. The sale deed was executed by petitioner No. 2 in favour of informant on 10.04.2007 and he is getting up-to-date rent receipt for the aforesaid land till 2017-18. It is also stated in written report that the informant has constructed house over the land and let out the aforesaid house on rent to Gautam Gupta on monthly rent of Rs.400/-. It is further alleged that the aforesaid land was again sold by father of petitioner No. 1 namely Gopal Prasad Sah to Niranjana Kumar by sale deed. The petitioner No. 1 also executed deed of gift in favour of his three daughters-in-law out of portion of the aforesaid land.

Learned counsel for the petitioners has filed supplementary affidavit wherein he has stated that in family partition, he received 67 decimal of the aforesaid land. He has enclosed photocopy of register-2 as Annexure-3 to supplementary affidavit. It has further been submitted that he has got rent receipt of 67 decimal of land on the basis of aforesaid entry in register-II. He has disposed of aforesaid land by sale deed and deed of gifts.

Learned counsel for the informant has submitted that sale deed in his favour was executed in 2007 itself. Thereafter the petitioners have executed sale deed and gift deed with respect to aforesaid land which include the portion of land in possession of informant.



This Court finds on the basis of material available and hearing of the parties that earlier sale deed was executed by petitioner No. 2 with respect to 4.25 decimal of land of same Khata No. 551 in favour of the informant. It is also admitted that the informant is in peaceful possession over the aforesaid land after constructing house thereon. He has also got up-to-date rent receipt till 2017-18. In such circumstances, the act of the petitioners as alleged in the written report is not bona fide and amount to causing wrongful loss to the informant.

Therefore, this Court is not inclined to grant anticipatory bail to the petitioners.

Prayer for anticipatory bail of the petitioners stands rejected.

Petitioners may surrender before the court below and make prayer for regular bail.

(Sanjay Priya, J)

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