

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9289 of 2019

Arising Out of PS. Case No.-444 Year-2018 Thana- MOTIHARI TOWN District- East
Champaran

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1. Baliram Singh @ Balram Singh, Son of Yogendra Singh, R/o Village- Bal Ganga, P.S.-Turkaulia, District-East Champaran at Motihari.
 2. Parsuram Thakur, Son of Late Singhashan Thakur, R/o village- Chhota Bariyarpur, Ward No. 37, P.S.-Chhatauni, District-East Champaran at Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjana

For the Opposite Party/s : Mr. Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-02-2019 Heard learned counsels for the petitioners and the
State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 420, 406, 385 and 120B/34 of the IPC.

The prosecution case, as per the written report of Sharma Rai, dated 11.07.2018, submitted to the Station House Officer, Town Police Station, is to the effect that petitioner no.2, Parsuram Thakur and co-accused, Chuman Thakur sold 4 katha of land in favour of informant's son, namely, Sanjay Kumar and his friend, namely, Ashok Prasad. Subsequently, the same land was transferred by the son of petitioner no.2, namely, Mukesh



Thakur in favour of petitioner no.1, Baliram Singh.

It is submitted by learned counsel for the petitioners that the land which was transferred by petitioner no.2 in favour of informant's son and his friend is different from the land which has been transferred by the son of petitioner no.2 in favour of petitioner no.1, which gets reflected from the sale deed, executed in favour of petitioner no.1, wherein the informant has been shown in the northern boundary, which suggests that the area of the land in question is more than 4 katha. So far as petitioner no.1 is concerned, he is a bona fide purchaser of the land in question. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that petitioner no.2 has transferred the land in favour of the son of the informant and his friend whereas the same land has been transferred by the son of petitioner no.2 in favour of petitioner no.1.

Considering the fact that the land transferred by petitioner no.2 in favour of informant's son and his friend is not in dispute and the accusation of transfer of same land is against the son of petitioner no.2 and petitioner no.1 is a bona fide purchaser, coupled with the 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/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Motihari Town P.S. Case No. 444 of 2018 subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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