

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19086 of 2019

Arising Out of PS. Case No.-621 Year-2018 Thana- MOTIHARI TOWN District- East
Champaran

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1. Paras Rai, son of Late Ambika Rai, Resident of Village - Bankat Bairiya, P.S.- Muffasil, District - East Champaran.
 2. Manoj Rai, Son of Late Ambika Rai Resident of Village - Bankat Bairiya, P.S.- Muffasil, District - East Champaran.
 3. Vishwa Nath Rai, Son of Late Ganika Rai Resident of Village - Bankat Bairiya, P.S.- Muffasil, District - East Champaran.
 4. Satya Narayan Rai, Son of Late Ganika Rai Resident of Village - Bankat Bairiya, P.S.- Muffasil, District - East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr.Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-03-2019 Heard learned counsels for the petitioners and the

State.

The petitioners are apprehending their arrest in connection with Motihari Town P.S. Case No.621 of 2018 registered for the offences punishable under Sections 406, 420, 467, 471, 472, 386, 120(B)/34 of the Indian Penal Code.

The prosecution case, as per the written report of informant, Chathu Rai submitted to S.H.O. Motihari Town P.S. is to the effect that Vinod Kumar and Vjay Kumar had executed a Mahadanama on 09.05.2018 in favour of the informant through registered deed with respect to 49.50 decimal land of



Khata No.23 which was purchased by Vinod Kumar and Vijay Kumar on 21.11.1987 from late Gaika Rai and Ambika Rai through registered sale deeds and since then the said land is in their peaceful possession. Thereafter, the informant went to said land and cleaned the same, but later on, the informant came to know that sons of late Ganika Rai and Amkbika Rai have executed Mahadanama with respect to the same land in favour of co-accused Raju Patel. The informant obtained certified copy of Mahadanama dated 4.7.2018 and came to know that the petitioners have executed Mahadanama in favour of co-accused Raju Patel. On 1.9.2018, the informant went to inspect the said land with one Gudu Khan, in the mean time, the five petitioners and other accused persons came and demanded Rs. 15 lacks as extortion.

It is submitted by learned counsel for the petitioners that even assuming the accusation to be true, no criminal offence is made out against the petitioners and the petitioners claim to have entered into agreement to sale on the basis of fact the land is recorded in the revenue records in the name of their ancestors. It is further submitted that the petitioners are not having criminal antecedent, statement to that effect is made in paragraph no.3 of the bail application.



Learned A.P.P. for the State has vehemently opposed the prayer for bail and submits that the petitioners are named in the FIR.

Considering the nature of accusation arising out of civil nature of dispute, and the fact that petitioners are not having criminal antecedent, the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from the date of receipt of this order, be released on anticipatory bail 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 Chief Judicial Magistrate, Motihari, East Champaran in connection with Motihari Town P.S. Case No.621 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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