

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21116 of 2019

Arising Out of PS. Case No.-461 Year-2018 Thana- SIKARPUR District- West Champaran

1. Rameshwar Prasad, aged about 65years, Male, S/o Late Prahlad Prasad, Resident of Ward No.7, Chanpatiya, P.S-Chanpatiya, District-West Champaran.
2. Khushbu Kumari, aged about 40 years, Female, W/o Jitendra Prasad Resident of Village-Kesariya, P.S-Shikarpur, District-West Champaran.
3. Jitendra Prasad, aged about 42 years, Male, S/o Brijbhushan Prasad, Resident of Village-Kesariya, P.S-Shikarpur, District-West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Bimlesh Kumar Pandey, Advocate.
For the Opposite Party : Mr.Harendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-04-2019 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are apprehending their arrest in a case
for the offence registered under Sections 406, 420, 467, 468,
471, 323, 384, 504, 506 and 120(B) of the IPC.

The prosecution story, in brief, is that the accused
Parmeshwar Prasad negotiated with the informant for sale of
land bearing Khata No. 06, Khesra No. 511 Area 02 Dhur 15
Dhrki and 3.75 Furki. The informant paid Rs. 5,50,000/- to the
accused Parmeshwar Prasad. Accordingly, on receiving full
consideration amount, sale deed was prepared on 19.06.12 but



due to closure of office time it could not be registered. The said accused assured that he would get the sale register on 22.06.12, but he refused execute the same on that day as a result the same could not be registered. The informant has filed a case before the District Magistrate bearing Case No. 94 of 2013-14. The said accused has delivered possession to the informant and on the basis of the same, he is in possession of aforesaid land. It is alleged that in connivance and conspiracy with the other accused persons with the other accused persons with the intention to cheat the informant, the accused Parmeshwar Prasad executed a gift deed in favour of his wife Sangita Devi. The said gift deed has been brought fraudulently. Again the accused persons in conspiracy brought into existence another sale deed on 11.08.18 executed by the accused Sangita Devi who is wife of accused Prameshwar Prasad in favour of the accused Khushbu Kumari which has been brought into existence to grab the aforesaid land. It is further alleged that on 18.08.18 at about 2.00 P.M. and on 12.09.2018 at 10.00 A.M. the accused persons forcibly tried to disposes the informant but could not succeed due to protest by the informant. It is alleged that in due course the accused persons assaulted and abused the informant and demanded Rs. 5,00,000/- as Rangdari and threatened that if



Rangdari is not given then they would capture that land and if protested the informant would be shot. The informant tried to get the matter settled through Panchayati about the accused persons are not ready and continuously demanding Rangdari and threatening for his life.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The matter relates to civil dispute. The petitioner no. 2 has purchased the land in question vide Annexure-2 to the present application.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R./ complaint case.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Bettiah, West Champaran, in connection with Shikarpur P.S.



Case No. 461/2018, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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