

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23175 of 2019

Arising Out of PS. Case No.-331 Year-2018 Thana- JOGBANI District- Araria

SHANKAR SAH S/o Late Ram Swarup Sah R/o Village- South Maheshwari,
Ward no. 18, P.S.- Jogbani, Dist- Arariya, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajeshwar Sah, son of Late Jeeranand Sah, R/o South Maheshwari, Ward
No. 18,P.S.- Jogbani, District- Arariya

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr
For the Opposite Party/s	:	Mr.Bal Mukund Prasad Sinha, APP
For O. P. No. 2	:	Mr. Ajay Kumar Tiwary, Advocate
		Mr. Mukesh Kumar Rana, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 22-07-2019 No one appears for the petitioner. Learned counsel
for the informant as well as the State are present.

The petitioner in the present case is seeking anticipatory bail in connection with Jogbani P.S. Case No. 331 of 2018 registered for the offences punishable under Sections 323, 420 of the Indian Penal Code.

As per the prosecution case, the informant's mother had purchased 14.5 decimals of land which she had gifted to her sons in the year 2001 and they were in possession over the said land. The allegation is that the share of the land of the informant and his full brothers were acquired by Government for construction of Indo-Nepal Railway Line. When other land owners were paid but the informant was not paid the



compensation amount, on inquiry he came to know that this petitioner had fraudulently withdrawn compensation amount of his land amounting to Rs. 17,40,000/-. It is alleged that the petitioner has indulged in cheating and later on when the informant went to ask him about this, the informant was also abused.

In the petition seeking anticipatory bail, the petitioner has stated that the instant case has been lodged after lapse of two years. He has also taken a plea that the land was never sold to the family of the informant and hence they prepared only a forged gift deed and trying to harass the petitioner.

Learned counsel for the informant has appeared. It is submitted that the land in fact belongs to the informant who is a co-sharer. He has also sought to produce the copy of the gift deed in his favour.

Learned counsel for the State has opposed the prayer of anticipatory bail.

Considering the facts and circumstances of the case wherein the petitioner and the opposite party no. 2 are cousin brothers and there are allegations and counter allegations with respect to the ownership of the land in question, the case has been registered two years after the receipt of compensation by



the petitioner and the learned co-ordinate Bench has allowed the provisional bail to the petitioner, this Court is of the opinion that the same need to be confirmed at this stage.

The order granting provisional anticipatory bail to the petitioner on 12.04.2019 is confirmed. The petitioner may be allowed to remain on bail on the same bail bonds which he has submitted earlier, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajeev Ranjan Prasad, J)

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