

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31760 of 2019

Arising Out of PS. Case No.-2 Year-2019 Thana- GORIAKOTHI District- Siwan

1. UMA SHANKAR SAH @ UMA SHANKAR SAw Son of Late Goreakh Sah Resident of Village-Purandarpur, P.S.-Goreya Kothi, District-Siwan.
2. Mohan Lal Sao @ Mohan Lal Saha Son of Late Goreakh Sah Resident of Village-Purandarpur, P.S.-Goreya Kothi, District-Siwan.
3. Manoj Kumar Sao @ Manoj Kumar Sah @ Manoj Saw Son of Late Goreakh Sah Resident of Village-Purandarpur, P.S.-Goreya Kothi, District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Ramchandra Singh

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 19-08-2019 This application, for grant of anticipatory bail, arises out of Goreyakothi P.S. Case No. 2 of 2019, disclosing offences under Sections 420, 467, 468, 471, 384, 120(B) and 34 of the Indian Penal Code.

Prosecution case is that the petitioner sold a piece of land to the complainant / informant and after that complainant / informant came into the possession of the land, thereafter, in conspiracy with other accused persons, petitioner demanded Rs. Fourteen Lakhs as rangdari and on non payment of rangdari by the informant, the petitioner created another sale deed with respect to same land in the name of other persons.



Submission of learned counsel for the petitioner is that out and out false and fabricated allegations have been levelled and complainant / informant herself has stated in the complaint petition that she is in possession of the land in question. Further submission is that the petitioner has a big chunk of land and out of which, he sold some land to other persons and also to the petitioner and no fraud has been committed by the petitioner. Further submission is that in view of the direction of this court, the petitioner tried to establish pillars for demarcation but that could not be done as the complainant/informant raised objection and the petitioner has also filed a supplementary affidavit to that effect.

Heard learned A.P.P. as well as learned counsel for the informant. Learned counsel for the complainant / informant opposed the prayer for bail and submitted that a wrong statement has been made in supplementary affidavit and still the petitioner has not handed over the possession of the land and the complainant / informant applied for mutation of the land but that is pending as the land in question has also been sold by the petitioner to some other persons.

Having heard both sides, considering the facts and circumstances of the case and also the fact that the



complainant/ informant has herself admitted in her complaint petition that the land in question is still in her possession, as such, let the petitioner, above named, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Goreyakothi P.S. Case No. 2 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

It is made clear that the petitioner will not make any objection in the mutation application filed by the complainant – informant.

(Vinod Kumar Sinha, J)

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