

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.80108 of 2018

Arising Out of PS. Case No.-267 Year-2018 Thana- KESARIA District- East Champaran

1. Harendra Singh, Son of Late Adalat Singh
2. Anirudh Singh, Son of Late Binda Singh
3. Rameshwar Sah, Son of Late Bishnu Sah
4. Sarita Devi, Wife of Gyaneshwar Sah
5. Gyaneshwar Sah, Son of Late Raja Sah
All residents of Village Kotwa, P.S. Kotwa, 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.Sri Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 15-01-2019 Heard both sides.

Petitioners apprehend their arrest in Kesariya P.S.
Case No.267 of 2018 registered under Sections 420, 467, 468,
471, 120(B)/34 of the Indian Penal Code.

The informant alleged that the lands of Plot No.2315
of Khata No.516 measuring 2 Kathas 12 Dhurs was settled in
the name of the informant Balbhadra Singh in the year 1970-71
but his brother Harendra Singh, petitioner no.1 sold 1 Katha 11
Dhurs of land to Sarita Devi, petitioner no.4. Petitioner no.2,
Anirudh Singh, petitioner no.3, Rameshwar Sah and petitioner
no.5, Gyaneshwar Sah were the witnesses of the sale deed.

Learned counsel for the petitioners submits that Sarita



Devi is the bona fide purchaser from Harendra Singh. Petitioners no.2, 3 and 5 are witnesses of the sale deed. No offence under any of the alleged sections is made out against the petitioners. It was Harendra Singh who executed the sale deed claiming himself to be the co-sharer of the land of his own brother Balbhadra Singh.

Learned counsel for the informant on the other hand submits that Harendra Singh has got no share in the land. The land was exclusively settled in favour of the informant and this fact was fully known to Harendra Singh. Harendra Singh has also got criminal antecedent. He is accused in Kotwa P.S. Case No.8 of 1985 registered under Sections 302 and 34 of the Indian Penal Code.

Taking into consideration the facts that petitioners, Anirudh Singh, Rameshwar Sah and Gyaneshwar Sah, petitioners no.2, 3 and 5 are the witnesses of the sale deed and Sarita Devi, petitioner no.4 bonafidely purchased the land from Harendra Singh who claimed as co-sharer of the land belonging to his brother, let petitioners no.2, 3, 4 and 5, namely, Anirudh Singh, Rameshwar Sah, Sarita Devi and Gyaneshwar Sah, 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



enlarged on 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 A.C.J.M.-XI, Motihari, District East Champaran in connection with Kesariya P.S. Case No.267 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

So far as the case of petitioner no.1, Harendra Singh is concerned, he after knowing the fact that the land was exclusively settled in favour of his brother, Balbhadra Singh fraudulently executed the sale deed and he has got criminal antecedent as he is accused in a case registered under Sections 302 and 34 of the Indian Penal Code, I am not inclined to enlarge the petitioner no.1, namely, Harendra Singh on anticipatory bail.

Accordingly, the prayer for anticipatory bail of petitioner no.1, Harendra Singh is rejected.

(Prabhat Kumar Jha, J)

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