

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36638 of 2019

Arising Out of PS. Case No.-129 Year-2017 Thana- SONBERSA District- Saharsa

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Anup Lal Yadav aged about 85 years (Male), Son of Late Dorik Yadav
Resident of Village - Bhavdeva, P.S.- Bakhtiarpur, District - Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Md. Harun Quareshi, Adv.

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-06-2019 Heard learned counsel for the petitioner. No one
appears on behalf of the State.

The petitioner is seeking anticipatory bail in connection with Sonbarsa Raj (Kash Nagar O.P.) P.S. Case No. 129/2017 registered under Sections 341, 323, 379, 406, 420, 467, 468/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per allegations the informant and his brother Jai Prakash Mehta had partitioned the family property some time in the year 2006 whereunder 6 acres 75 decimals of land are said to have fallen in the share of the informant. Similarly 6 acres 75 decimals had gone in the share of accused no. 1 but taking advantage of the absence of the informant from his village his brother got prepared a sale deed in respect of 93 decimals of land belonging to the informant in favour of his wife Manju Devi. There are



also allegation that the accused persons had looted away the articles by breaking open his house and captured the house belonging to the informant. Petitioner claims that he is 85 years old and so far as he is concerned he is not the deed writer and had only identified the executant Jai Prakash Mehta who had executed the deed.

Learned counsel submits that so far as this petitioner is concerned he had rightly identified the executant, the identification does not mean an endorsement or confirmation of the recitals in the sale deed.

Considering the facts and circumstances of the case wherein the petitioner is said to have identified the brother of the informant who had allegedly got the land transferred in favour of his wife and the fact that the brother of the informant and his wife in whose favour the sale deed has been executed have been granted privilege of anticipatory bail by a learned coordinate Bench of this court in Cr. Misc. No. 63271/2017, in the event of his arrest/surrender before the court below within a period of four weeks, let the above-named petitioner be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate - 1st Class, Saharsa, in



connection with Sonbarsa Raj (Kash Nagar O.P.) P.S. Case No.
129 of 2017, subject to condition prescribed under Section
438(2) of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J)

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