

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**CRIMINAL MISCELLANEOUS No.48329 of 2018**

Arising Out of PS. Case No.-397 Year-2013 Thana- SITAMARHI COMPLAINT CASE  
District- Sitamarhi

- 
1. Deepak Kumar
  2. Vikash Kumar  
Both S/o Nagina Prasad and resident of Ward No.- 17, Mahanth Sah Colony,  
P.S.- Sitamarhi, District- Sitamarhi.

... .. Petitioner/s

Versus

State Of Bihar and Anr

... .. Opposite Party/s

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**Appearance :**

|                          |   |                         |
|--------------------------|---|-------------------------|
| For the Petitioner/s     | : | Mr. Mahendra Thakur     |
|                          |   | Mr. Sanjay Kumar        |
| For the Opposite Party/s | : | Mr. Kumar Ranjit Ranjan |

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**

**ORAL ORDER**

9      03-07-2019                      Heard learned Counsel for the petitioners and learned  
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Complaint Case No. C1-397 of 2013, in which cognizance has been taken under Sections 323, 379, 420, 467, 471 and 504 of the Indian Penal Code.

The allegation against the petitioners is that the petitioners have purchased 23 decimals of land in plot no. 2518, khata no. 1026, by registered sale deed from the brother of the complainant; whereas the land, in question, was falling in the



share of the complainant.

Notice was issued to the Opposite Party No. 2-complainant, but despite valid service of notice, nobody has appeared on behalf of the Opposite Party No. 2 -complainant.

Learned Counsel for the petitioners submits that the petitioners are the bonafide purchasers of the said piece of land from its owner, i.e. the brother of the complainant- Opposite Party No. 2, with bonafide belief that the lands belong to him. The petitioners are purchasers and the allegation of selling the land belonging to the complainant, at best, can be made against the brother of the complainant.

After having heard learned Counsel for the parties and taking into consideration the fact that the petitioners are bonafide purchasers for a valid consideration money, I find it a fit case for grant of privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate I, Sitamarhi, in connection with Complaint Case No. C1-397 of



2013, subject to the condition laid down under Section 438 (2)  
of the Code of Criminal Procedure.

Prabhakar Anand/-

**(Anil Kumar Sinha, J.)**

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