

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62109 of 2018

Arising Out of PS. Case No.-283 Year-2018 Thana- SUGAULI District- East Champaran

1. Most. Meena Devi Wife of Late Bhikhari Sahani,
2. Shiv Sahani, Son of Dukhit Sahani,
3. Rajeshwar Sahani, Son of Udit Sahani,
4. Ranjit Kumar Sahani, Son of Late Suresh Sahani,
5. Nandu Sahani, Son of Late Deonan Sahani,
6. Siyalal Sahani, Son of Late Bora Sahani,
7. Ram Narayan Yadav, Son of Late Brija Yadav,
8. Naresh Sahani, Son of Late Gauri Shankar Sahani, All resident of Village-Godigawa, P.S.- Sugauli, District- East Champaran.
9. Bitan Sahani S/o Late Kamal Sahani, R/o Telahiya, PS Sugauli 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 Binod Kumar 2

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 25-01-2019 Heard both sides.

The petitioners apprehend their arrest in Sugauli P.S. case No. 283 of 2018 registered under Section 420, 467, 468, 471, 120B, 504, 506 of the Indian Penal Code.

The informant alleged that brother of his grand father, Shekhai Sahani, and grand mother, Most. Sakali, had purchased 9 Katha and 16 Dhurs of land of Khata No. 13, Khesra No. 183 on 29.03.1972 from Janki Devi and their names were also mutated but Most. Meena Devi, petitioner No.1, and Shiv Sahani, petitioner No.2, fraudulently executed a sale deed in



favour of petitioner Nos. 3 to 7. Petitioner Nos. 8 and 9 are the witnesses of the sale deed.

The learned counsel for the petitioners submits that petitioner No.1 and 2 got the land in partition but when he was asked to explain how they are descendants of Mahadeo Sahani and Shekhai Sahani and his wife he could not be able to show any documents in order to prove that petitioner No.1 and 2 inherited the property of Shekhai Sahani and his wife, grand father and grand mother of the informant. It is further submitted that petitioner No.3 to 7 are bonafide purchasers and they got their title from their vendors. Petitioner No. 8 and 9 are witnesses of the sale deed.

On the other hand, the learned counsel for the informant vehemently opposed the prayer for anticipatory bail and submitted that petitioner No.1 and 2 fraudulently sold the land knowing fully well that they had no iota of title over the land.

Considering the facts that petitioner No.1, Most. Meena Devi and petitioner No.2, Shiv Sahani knowing fully well that they had no title over the land belonging to Shekhai Sahani and Sakali they fraudulently executed the sale deed, I am not inclined to enlarge the petitioner No.1 and 2 on anticipatory



bail. Accordingly, the same is rejected.

So far as case of petitioners No. 3 to 7, who are purchasers, and petitioners No. 8 and 9, who are witnesses of the sale deed is concerned, they are not knowing about the title of the land and they simply purchased the land from their vendors on which petitioner No. 8 and 9 put their signature as witnesses of the sale deed, the petitioners No. 3 to 9, above named, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Sugauli P.S. Case No. 283 of 2018, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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