

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53923 of 2019

Arising Out of PS. Case No.-34 Year-2017 Thana- GOBARDHANA District- West
Champaran

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1. MANEJAR YADAV Son of Harendra Yadav Resident of Village-Marhiya, Police Station-Lauriya, District-West Champaran.
 2. Harendra Yadav Son of Shrawan Yadav @ Shrawan Kumar Resident of Village-Parau Tola, Police Station-Lauriya, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Milind Kumar Mishra

For the Opposite Party/s : Ms.Veena Rani Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-08-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Gobardhana Police Station Case No. 34 of 2017, disclosing offence under Sections 406/419/420/467/468/471/120B/34 of the Indian Penal Code.

The allegation against the petitioners, as per the First Information Report, is that the petitioners purchased a piece of land belonging to the informant from a fictitious person inasmuch as the informant was in possession of the said land pursuant to an agreement with Hari Nagar Sugar Mill to do agriculture work over the said land.



Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case based upon misconceived facts inasmuch as the petitioners have purchased the land from its rightful owner, namely, Shiv Priya Shahi, by virtue of the registered sale deed. He further submits that after registration of the land in favour of the petitioners, mutation was done and rent receipt was issued in favour of the petitioners and the Circle Officer has also issued land possession certificate of the said land in favour of the petitioners. He further submits that in stead of taking steps of getting the sale deed set aside, has lodged the present First Information Report in abuse of process of Court. He, relying on Annexure-4 series, submits that out of 15 accused persons, 11 have been granted bail by this Court.

After having heard learned Counsel for the parties concerned and taking into consideration the fact that the petitioners are the bona fide purchasers of a piece of land from its owner, and after purchase, the mutation of the land has been done in favour of the petitioners and rent receipts are also being issued in their favour, I am inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, 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 Sub Divisional Judicial Magistrate, Bagaha, West Champaran, in connection with Gobardhana Police Station Case No. 34 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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