

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52290 of 2019

Arising Out of PS. Case No.-586 Year-2017 Thana- Gopalganj Town District- Gopalganj

1. KANHAIYA SAH Son of Late Chandrika Sah Resident of Ward No. 20, Noniya Toli Purani Chauk, P.S.- Gopalganj Town, Distt - Gopalganj.
2. Bibi Aainul Khatoon Wife of Sadik Sah Resident of Dargah, P.S.- Gopalganj Town, Distt - Gopalganj.
3. Tarkeshwar Prasad Son of Swaminath Sah Resident of Banjari, P.S.- Gopalganj Town, Distt - Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rinki Kumari, w/o Late Dinesh Kumar, D/o Gagandeo Sah, r/o Ward No. 20, Noniya Toli Purani Chauk, P.S.- Gopalganj Town, Distt - Gopalganj. Presently Resident of bhind Tiwari Tola, P.O. Madhopur, P.S. - Barauli, Distt - Gopalganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Prasad Gupta
For the Opposite Party/s : Mr.Anish Chandra

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 22-08-2019 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Gopalganj Town P.S.Case No. 586/2017, for the offences punishable under Section 420/467/468/471/34 of the I.P.C.

The allegation against the petitioners is that the petitioner no. 1, who is the father-in-law of the informant, was instrumental in selling a piece of land belonging to the husband of the informant in favour of petitioner no. 2 by a fraudulent registered sale deed, dated 20.09.2016; whereas the husband of the informant died on 22.09.2016 and was not in a position to



move as he was suffering from cancer.

Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case inasmuch as for the treatment of the husband of the informant, the said piece of land was sold in favour of petitioner no. 2 by the son of the petitioner no. 1 and the petitioner no. 2 is the bona fide purchaser of the land; whereas the petitioner no. 3 is witness in it. He further submits that a malafide complaint has been filed against the petitioners, which has been converted into First Information Report. He also submits that from perusal of the First Information Report, it is evident that land has been sold by the husband of the informant and he is the vendor and executor of the registered sale deed. He further submits that the land was sold by the son of petitioner no. 1 in order to meet the expenses of his treatment.

After having heard learned Counsel for the parties and taking into consideration the fact that land has been sold by the husband of the informant under his signature to the petitioner no. 2 and the petitioner no. 1 is father of the informant's husband and petitioner no. 3 is the witness of the sale deed, I am inclined to grant the petitioners 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 Chief Judicial Magistrate, Gopalganj, in connection with Gopalganj Town Police Station Case No. 586 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 bonds shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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