

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65236 of 2019

Arising Out of PS. Case No.-64 Year-2018 Thana- NAWADA District- Nawada

1. Bhola Sao, S/o Late Dhaneshwar Sao R/o village- Budhaul, P.S.- Town, District- Nawada (Bihar)
2. Shankar Sao, S/o Late Dhaneshwar Sao R/o village- Budhaul, P.S.- Town, District- Nawada (Bihar)
3. Mosmat Manju Devi, W/o Late Baijnath Sao R/o village- Budhaul, P.S.- Town, District- Nawada (Bihar)
4. Suraj Kumar @ Suraj Sao, S/o Late Baijnath Sao R/o village- Budhaul, P.S.- Town, District- Nawada (Bihar)
5. Dharmendra Sao, S/o Bhola Sao R/o village- Budhaul, P.S.- Town, District- Nawada (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Sinha
For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 25-10-2019 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with Nagar (Nawada) P.S. Case No.64 of 2018, for the offence punishable under Sections 420, 467, 468, 471/34 of the Indian Penal Code.

The allegation against the petitioners is that mother of the petitioner No.1 has sold 60 decimal of land by way of registered sale deed in the year 1982 vide Deed No.25755 dated



30.12.1982 in favour of the informant. It has further been alleged that petitioner No.1 along with other family members has executed the four sale deed vide Sale Deed No.204, 205, 206, 207 respectively to the tune of 14 decimal to other persons for a total consideration amount of Rs.24,50,000/-

Mr. Rakesh Kumar Sinha, learned counsel appearing for the petitioner submits that petitioner No.1 is the person against whom the allegation of executing the sale deed of 14 decimal of land has been levelled and other petitioners are either witnesses or identifier. Learned counsel further submits that till today, the rent receipt is being issued in favour of petitioner No.1 for the land in question which has allegedly been sold by mother of petitioner No.1 in favour of informant in 1982. Learned counsel referring to para 8 of this application submits that the informant has filed Title Suit bearing Title Suit No.47 of 2018 challenging the sale deeds which is pending before the Sub Judge-Ist, Nawada. Learned counsel thus submits that dispute between the parties gives rise to civil dispute and no criminal offence is made out against these petitioners.

Having regard to the submissions made by the parties and taking into consideration the fact that civil suit has been filed by the informant bearing Title Suit No.47 of 2018, I am



inclined to grant anticipatory bail to all the petitioners.

Accordingly, all the petitioners, above named, are directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by them, they shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Nawada, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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