

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78192 of 2019

Arising Out of PS. Case No.-95 Year-2017 Thana- HARSIDHI District- East Champaran

1. VINOD SAHANI, S/o Late Rajendra Sahani, Resident of Village- Singaha Ujjain Lohiyar, P.S.- Harsidhi, District- East Champaran.
2. Sitaram Sahani, S/o Shankar Sahani, Resident of Village- Singaha Ujjain Lohiyar, P.S.- Harsidhi, District- East Champaran.
3. Kameshwar Ram, S/o Kishun Ram, Resident of Village- Singaha Ujjain Lohiyar, P.S.- Harsidhi, District- East Champaran.
4. Shankar Sahani, S/o Late Raghubir Ram, Resident of Village- Singaha Ujjain Lohiyar, P.S.- Harsidhi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rana Vikram Singh, Adv.
For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 02-12-2019 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor.

An allegation has been attributed by the informant Manoj Kumar Dubey against petitioners Vinod Sahani and Sitaram Sahni to have purchased land bearing Khesra No.1460 from one Ashok Dubey, co-villager and during course thereof Kameshwar Ram and others facilitated. It has also been disclosed that the father of Ashok Dubey, namely, Bisheshar Nath Dubey had already sold Khesra no.1460 in favour of his grand father in the year 1969.

The simple submission at the end of the petitioners is



that they are bona-fide purchasers on due consideration amount. If, such thing persists then, in that circumstance, they have also been victimized at the end of Ashok Dubey. So instead of accused they should have been made as a witness of the case.

Learned Additional Public Prosecutor opposed the same but, submitted that in the facts and circumstances of the case as it appears, the petitioners have also been duped.

That being so, let the petitioners, namely, Vinod Sahani, Sitaram Sahani, Kameshwar Ram and Shankar Sahani in the event of their arrest/surrender 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 Sri Mritiyunjaya Kumar, learned Judicial Magistrate 1st Class, Motihari, East Champaran; subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure till the matter is adjudicated by the Constitution Bench of the Supreme Court in **Sushila Aggarwal & Ors. vs. State (NCT of Delhi)** as reported in **(2018) 7 SCC 731**.

(Aditya Kumar Trivedi, J)

skpathak/-

U		T	
---	--	---	--

