

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28851 of 2020

Arising Out of PS. Case No.-860 Year-2019 Thana- MADHAURAH District- Saran

SUBASH RAI Son of Shatrudhan Rai Resident of Village - Marhowrah Kurd,
P.S.- Marhowrah, District - Saran at Chhapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Basant Kumar Singh

For the Opposite Party/s : Ms. Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-12-2020

The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioner and Ms. Anita Kumari Singh, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Marhowrah PS case no. 860 of 2019 registered for the offences punishable under Sections 420, 467, 468, 471, 120(b)/34 of Indian Penal Code.

The case of the prosecution as per the complaint petition is that the land in dispute has been recorded in the *Khatiyani* in the name of one Shiv Govind Mahato, son of Dular Mahato who is survived by two sons namely Jagdeo Mahato and Pyarchand Mahato who are stated to have come into



possession of the said land after the death of Shiv Govind Mahato. As far as Pyar Chand Mahato is concerned, he is said to have given his share to his brother namely Jagdeo Mahato. The said Jagdeo Mahato had also died leaving behind his two sons i.e. the complainant herein and one Ashok Mahato. The petitioner is stated to have purchased the aforesaid disputed land on 02.08.2019 by a registered sale deed. The complainant has also alleged that the accused persons including the petitioner herein have engaged in conspiring together and have fraudulently got the aforesaid sale deed dated 02.08.2019 executed in favour of the petitioner herein.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has further submitted that the allegations levelled in the complaint petition are purely civil in nature and it would be appropriate for the complainant to approach the competent civil court having appropriate civil jurisdiction.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the fact that the allegations levelled in the complaint petition are primarily civil



in nature, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Marhowrah PS case no. 860 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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