

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29398 of 2018

Arising Out of PS. Case No.-394 Year-2017 Thana- SAKRA District- Muzaffarpur

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1. Mahesh Ram, son of Prem Chandra Ram
 2. Bindu Devi, wife of Rajesh Ram
 3. Usha Devi, wife of Naresh Ram
 4. Sita Devi, wife of Subodh Ram

Petitioner no. 1 to 3 are resident of village-Baji Raut, P.S.-Sakra, District-Muzaffarpur and petitioner no.4 is resident of village-Katesar Tole, Lohargama, P.S.-Sakra, District-Muzaffarpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate
For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 12-06-2020 Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the complainant via video conferencing.

The petitioners have filed the present application for grant of pre-arrest bail in connection with Trial No.1452 of 2018 arising out of Sakra P.S. Case No.394 of 2017 registered for the offences punishable under Sections 420, 467, 468, 471 and 120B read with 34 of the Indian Penal Code.

It is contended on behalf of the petitioners that the petitioners have been falsely implicated in this case. The informant is the cousin brother of one Sujay Shankar Thakur and Sulekha Devi is the wife of Sujay Thakur with whom he



performed second marriage after death of his first wife and both of them have executed sale deeds on the earlier occasions. Said Sulekha Devi being wife of Sujay Shankar Thakur executed sale deeds in favour of petitioner nos. 2, 3 and 4 after receiving full consideration amount. The petitioner no. 1 is a witness of the sale deeds. He contended that in view of the ratio laid down by the Supreme Court in case of **Murari Lal Gupta vs. Gopi Singh [(2005) 13 SCC 699]**, no offence as alleged by the complainant is made out.

On the other hand, learned counsel appearing for the complainant has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners. He contended that the petitioners have formed a gang and they are in the habit of grabbing land of others by illegal means and in pursuance of a conspiracy, they managed to set up a fictitious lady had got the land of the complainant transferred in their own names.

Regard being had to the nature of the offence and the submissions advanced on behalf of the parties, the petitioners are directed to be released on bail in the event of their arrest or surrender in the court below on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub



Judge-XIII-cum-ACJM-IV, Muzaffarpur in connection with
Sakra P.S. Case No.394 of 2017 subject to the conditions as laid
down under Section 438 of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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