

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48214 of 2019

Arising Out of PS. Case No.-93 Year-2019 Thana- PAHARPUR District- East Champaran

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1. Surendra Thakur, aged about 52 years, male, Son of late Ganesh Thakur
 2. Madan Thakur, aged about 46 years, male, Son of late Ganesh Thakur
 3. Hira Thakur @ Hiralal Thakur, aged about 50 years, male, Son of Ganesh Thakur
 4. Krishna Thakur, aged about 55 years, male, Son of Ganesh Thakur
 5. Bullet Kumar Sharma @ Bullet Kumar, aged about 28 years, male, Son of Krishna Thakur
All R/o Village-Siswa Maldahia, P.S.-Paharpur, Distt.-East Champaran.
 6. Sudama Thakur, aged about 60 years, male, Son of Saryug Thakur, Resident of Village-Jaisinghpur, P.S.-Turkauliya, Distt.-East Champaran.
 7. Vijay Kumar Srivastava, aged about 51 years, male, Son of Lal Bahadur Prasad, Resident of Village-Pataura, P.S.-Motihari Mufassil, Distt.-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Pandey, Adv.

For the O.P. No. 2 : Mr. Krishna Kant Singh, Adv.

For the State : Mr. Anil Kumar Singh, No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

6 12-06-2020 Heard Mr. Pramod Kumar Pandey, learned counsel

for the petitioners and Mr. Krishna Kant Singh, learned



counsel for the informant/opposite party No. 2. The State is represented by Mr. Anil Kumar Singh, No. 1, learned APP.

The petitioners seek bail in anticipation of their arrest in connection with Paharpur P.S. Case No. 93 of 2019, dated 02.04.2019, instituted for the offences under Sections 467, 468, 471, 120(B) and 420/34 of the Indian Penal Code.

The allegation in the First Information Report is that without respecting the outcome of the partition suit, the land belonging to the informant/opposite party No. 2 has been sold by the petitioners to their *Samdhi*, which is an act of fraud.

It has been submitted on behalf of the petitioners that they are agnates of the informant/opposite party No. 2 and there is some dispute over the allotted area of land to the respective share-holders. Even if some land which has not specifically been allotted in the share of the petitioners and that has been sold, that would not make out a case under Sections 467, 468 and 471 of the Indian Penal Code. It has further been submitted that there does not appear to



be any intention of cheating the informant/opposite party
No. 2.

Considering the entire facts in totality and taking into account that the petitioners and the informant/opposite party No. 2 come from the same stock of family, they (petitioner Nos. 1 to 7), in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari (East Champaran) in connection with Paharpur P.S. Case No. 93 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

Praveen-II/-

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