

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74305 of 2019

Arising Out of PS. Case No.-1340 Year-2018 Thana- COMPLAINT CASE District- Araria

1. FANI LAL SAH Son of Late Dhanik Lal Sah Resident of Village-South Maheshwari, P.S.-Jogbani, District-Araria.
2. Pradip Kumar Sah @ Pradip Sah Son of Fani Lal Sah Resident of Village-South Maheshwari, P.S.-Jogbani, District-Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ravi Lal Sah Son of Late Dhanik Lal Sah Resident of Village-Dakshin Maheshwari, P.S.-Jogabani, District-Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Anil Prasad Singh Mr. Abhijit Gautam
For the Opposite Party/s	:	Mr. Nawal Kishore Prasad, APP
For the O.P. No. 2	:	Mr. Sunil Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 16-03-2020 Heard learned Counsel for the petitioners, learned Counsel for the Opposite Party No. 2 and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Complaint Case No. 1340C of 2018, in which cognizance has been taken for the offences punishable under Sections 420, 468 and 120-B of the Indian Penal Code.

The allegation against the petitioners, as per the complaint, is that a piece of land, bearing Khata No. 214, Plot No. 545, measuring 3½ decimals, situated at village Dakshin



Maheshwari, Araria, was allotted by virtue of Title Suit No. 90 of 1970. it has been alleged that the petitioners managed to receive a cheque of Rs. Five lakhs as compensation amount for acquisition of the aforesaid land in favour of accused no. 1, Jiwachhi Devi on the basis of forged and fabricated documents in conspiracy with other co-accused persons.

Learned Counsel for the petitioners submits that the petitioner no. 1 and Opposite Party No. 2 are full brothers and petitioner no. 2 is the son of petitioner no. 1. He further submits that the matter of the fact is that the petitioner no. 1 had sold a piece of land in the same khata measuring 68½ and 48 decimals by virtue of registered sale deed of the year 2000-01 in favour of the husband of Jiwachhi Devi and after the death of husband of Jiwachhi Devi, the land in question was acquired by the Government and the compensation amount has been paid to Jiwachhi Devi. He further submits that the petitioner no. 1 and the Opposite Party No. 2 are co-sharers and full brothers and there appears to be dispute of share between them. He further submits that co-accused Chandan Mehta (by order, dated 22.10.2019, passed in Criminal Misc. No. 66708 of 2019) and Jivachhi Devi and Bablu Mandal (by order, dated 07.11.2019, passed in Criminal Misc. No. 71060 of 2019) have been granted



anticipatory bail by this Court.

On the other hand, learned Counsel for the Opposite Party No. 2 vehemently opposes the prayer for anticipatory bail and submits that the petitioners were instrumental in manipulating the land of the complainant and clandestinely transferred it in favour of Jiwachhi Devi by making manipulation and has committed forgery and got the compensation amount paid in favour of Jiwachhi Devi.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner no. 1 and Opposite Party No. 2 are full brothers, the land in question was sold much earlier in the year 2000-01 and co-accused persons have been granted anticipatory by this Court, I am inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, 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 learned Additional Chief Judicial Magistrate-I, Araria, in connection with Complaint



Case No. 1340C of 2018, subject to the condition laid down
under Section 438 (2) of the Code of Criminal Procedure.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

U	✓	T	✓
---	---	---	---

