

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87238 of 2019

Arising Out of PS. Case No.-95 Year-2018 Thana- TARABARI District- Araria

1. Santosh Bhagat @ Santosh Kumar Bhagat Son of Ramakant Bhagat
2. Shanti Devi @ Most Shanti Bhagat Wife of Ramakant Bhagat
3. Ganesh Prasad Bhagat @ Ganesh Bhagat Son of Ramakant Bhagat
4. Jitendra Prasad Bhagat @ Jitendra Bhagat Son of Ramakant Bhagat
5. Shiv Shankar Bhagat Son of Ramakant Bhagat
6. Ajay Bhagat Son of Ramakant Bhagat
7. Amit Bhagat @ Amit Kumar Bhagat Son of Ramakant Bhagat
8. Abhay Bhagat @ Madan Kumar Bhagat Son of Ramakant Bhagat

all are resident of Village - Batur Bari, Ward No. 3, P.S.- Tarabari, Distt - Araria.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Adv. Mr. Nishant Kumar Sinha, Adv.
For the Opposite Party	:	Mr. Umesh Lal Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

2 24-02-2020 Heard learned counsel for the petitioners, learned Additional Public Prosecutor for the State as well as learned counsel appearing for the informant.

Petitioners apprehend their arrest in connection with Tarabari P.S. Case No. 95 of 2018 registered for the offences punishable under Sections 147, 149, 341, 323, 420, 467, 468, 471, 504, 506 of the Indian Penal Code.

The informant claims that he purchased 1 acre 26



decimal land on 07.06.2016 through registered sale deed from one Smt. Kamla Devi, daughter of late Ganga Prasad Bhagat and when he went to cultivate the aforesaid land, petitioners being armed with deadly weapons came there and stopped him from cultivating the land claiming that they had purchased the said land in the year 1961 from one Ganga Prasad Bhagat through registered sale deed. Furthermore, the claim of the informant is that the aforesaid fact was verified by Circle Officer, Araria and then it was detected that deed of year 1961 was never registered in the District Registry Office, Araria rather the aforesaid document was of Raniganj Circle.

Learned counsel appearing for the petitioners submits that even if the prosecution case assumed to be true, then also, fact of the prosecution case goes to show that there is land dispute between the parties and the petitioners claimed their right and title over the land in question through registered sale deed and, therefore, it is obvious that petitioners are bona fide purchaser.

Although, learned counsel appearing for the informant opposed the prayer submitting that petitioners got prepared forged sale deed to lay their claim over the land in question and, therefore, the aforesaid act of the petitioners



clearly constitutes criminal liability.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioners, in the event of their arrest/ surrender within six weeks from the date of receipt of this order to the court concerned, shall 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 Chief Judicial Magistrate, Araria in Tarabari P.S. Case No. 95 of 2018, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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