

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85044 of 2019

Arising Out of PS. Case No.-105 Year-2019 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Shekh Sahid Son of Late Sekh Ishu Resident of Village - Lakhaura, Mohra Tola, P.S.- Lakhaura, District- East Champaran
 2. Patwari Mahto Son of Jugul Mahto Resident of Village - Lakhaura, Mohra Tola, P.S.- Lakhaura, District- East Champaran
 3. Lal Babu Sah Son of Jageshar Sah @ Jaleshar Sah @ Jageshwar Sah Resident of Village - Lakhaura, Mohra Tola, P.S.- Lakhaura, District- East Champaran
 4. Shiv Chandra Sah Son of Jageshar Sah @ Jaleshar Sah @ Jageshwar Sah Resident of Village - Lakhaura, Mohra Tola, P.S.- Lakhaura, District- East Champaran
 5. Bir Lal Sah Son of Late Lorik Sah Resident of Village - Lakhaura, Mohra Tola, P.S.- Lakhaura, District- East Champaran
 6. Raj Kumar Sah @ Raj Kumar Son of Bir Lal Sah Resident of Village - Lakhaura, Mohra Tola, P.S.- Lakhaura, District- East Champaran
 7. Lalan Sah Son of Rameshwar Sah Resident of Village - Lakhaura, Mohra Tola, P.S.- Lakhaura, District- East Champaran
 8. Sona Lal Sah Son of Late Ram Sunar Sah Resident of Village - Lakhaura, Mohra Tola, P.S.- Lakhaura, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr.Ramchandra Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 07-01-2020 Heard the learned counsel for the petitioners

and the learned A.P.P. for the State.

This is an application for grant of anticipatory

bail in connection with Mufassil (Lakhaura) PS case no.



105 of 2019 registered for the offences punishable under Sections 379, 384 and other sections of Indian Penal Code.

The allegation levelled by the informant is that the petitioner no. 1 had sold a piece of land admeasuring 07 dhurs, earlier to the informant and subsequently, a sale deed was executed with regard to 13 dhurs of land in favour of the informant by the petitioner no. 1, however it is alleged by the informant that the same piece of land which was sold earlier, has been sold for the second time to the petitioner no. 1 and the other petitioners are said to be the witnesses of the sale deed/ the accomplice of the petitioner no. 1, thus it is alleged that the petitioner no. 1, in connivance with the other petitioners, has duped the informant by selling the same piece of land, which was sold earlier to the informant, as a fresh piece of land. It is further alleged that when the informant had confronted the petitioner no. 1 and others and told them about their fraudulent conduct, the petitioners had assaulted the informant.

The learned counsel for the petitioners submits that if at all, any case is made out, it is for the informant to approach the competent court having civil jurisdiction,



inasmuch as the allegation is purely of a civil nature and pertaining to the said allegation, a case under Section 144 Cr.P.C. is already going on. It is further submitted that the petitioners are having a clean antecedent and they are not likely to flee away, earlier from investigation or the subsequent trial. Lastly, it is submitted that there is no injury report on record to suggest any assault by the petitioners and merely ornamental allegations have been levelled to make the allegations serious and graver.

Having regard to the facts and circumstance of the case and considering the submissions advanced by the learned counsel for the petitioners, I deem it fit and appropriate to grant anticipatory bail to the petitioners herein. Accordingly, the abovenamed petitioners, in the event of their 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, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. 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 Muffasil (Lakhaura) PS case no. 105 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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