

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18848 of 2021

Arising Out of PS. Case No.-49 Year-2017 Thana- RAMPUR CHAURAM District-
Jehanabad

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1. PRAMOD KUMAR Son of Dularchand Sao Resident of Village- Rampur Chauram, P.S.- Rampur Chauram in the District of Arwal.
 2. Pappu Kumar Son of Dularchand Sao Resident of Village- Rampur Chauram, P.S.- Rampur Chauram in the District of Arwal.
 3. Dularchand Sao Son of Late Bhagwan Sao Resident of Village- Rampur Chauram, P.S.- Rampur Chauram in the District of Arwal.
 4. Kaushalya Devi Wife of Dularchand Sao Resident of Village- Rampur Chauram, P.S.- Rampur Chauram in the District of Arwal.
 5. Lalan Kumar Son of Lakhu Sao Resident of Village- Rampur Chauram, P.S.- Rampur Chauram in the District of Arwal.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 14-12-2021 Heard learned counsel for the petitioners and learned APP for the State.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by the office when called upon to do so by the office.

The petitioners apprehend their arrest in connection with Rampur Chauram P.S. Case No. 49 of 2017 registered for the offence under Sections 420, 467, 468, 120(B), 504/34 of the Indian Penal Code.

The prosecution story in nutshell is that the complainant and his brother Yogendra Sharma are not residing in his village since long.



According to him when he approached to Anchal Office for taking Revenue receipt, then he came to know that demand of his land has been transferred in the name of accused Pramod Kumar, Pappu Kumar and Kaushalya Devi. When he went to Registry Office and found that under criminal conspiracy and by making fraud two sale deed has got executed by his two brothers namely Butan Sharma and Sri Niwas Sharma. Whereas his brothers have not executed any sale-deed and photographs on the sale deed is also of different persons. It is further alleged that when he approached the accused persons then they abused and threatened him.

Learned counsel for the petitioners has submitted that the complainant has three brothers namely Brij Mohan Sharma @ Binktesh, Sri Niwas Sharma and Butan Sharma @ Yogendra Sharma. After death of his father separation was made among three brothers and after separation the land in question was allotted in the share of Butan Sharma and Sri Niwas Sharma and thereafter they came under peaceful possession over the land in question and they executed two separate Sale-deed on 10.12.2015 in the name of the petitioners namely Pramod Kumar, Pappu Kumar and Kaushalya Devi with respect to the land in question.

It is further submitted that after purchasing the land the same was mutated in the name of petitioners no. 1, 2 and 4 and thereafter they came under peaceful possession over the land in question and they are paying the rent to the State. Accordingly the rent receipt was issued in favour of petitioners no 1, 2 and 4. It is submitted that there is case of civil in nature.

In the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest of surrender before the court



below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousands) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Arwal in connection with Rampur Chauram P.S. Case No. 49 of 2017, subject to conditions as laid down under Section 438 (2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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