

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32321 of 2020

Arising Out of PS. Case No.-458 Year-2019 Thana- MAJHAULIA District- West Champaran

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1. Savita Sharma @ Sabita Sharma, aged about 50 years, female, W/o Pramod Sharma @ Pramod Kumar Sharma
 2. Pramod Kumar Sharma @ Pramod Sharma, aged about 55 years, male, S/o Dhuneshwar Sharma @ Bhuneshwar Sharma
 3. Ashish Bhatt, aged about 35 years, male, S/o Prabhat Kumar Sharma
 4. Dinesh Dutt Sharma, aged about 58 years, male, S/o Ramdeo Sharma
- Petitioner Nos. 1 to 4 are R/o Village – Shikarpur, P.S. - Majhauiliya, District – West Champaran.
5. Manibhushan Sharma, aged about 55 years, male, S/o Late Jitan Sharma
 6. Vinod Sah, aged about 35 years, male, S/o Jhapas Sah
- Petitioner Nos. 5 and 6 R/o Village - Dudha Chaturi, P.S. - Majhauiliya, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 08-02-2021 Heard Mr. Bimlesh Kumar Pandey, learned counsel

for the petitioners and Mr. Ram Priya Sharan Singh, learned

APP for the State.



The petitioners seek bail in anticipation of their arrest in connection with Majhauriya P.S. Case No. 458 of 2019, dated 01.09.2019, instituted for the offences under Sections 467, 468, 471, 420 and 406/34 of the Indian Penal Code.

The accusation in the F.I.R. is that the two sons of the late sister of the husband of the informant and her grand-daughter have conveyed a property belonging to her to petitioner Nos. 1, 3 and 5 in an unauthorized manner. Petitioner No. 2 is only stated to be the husband of petitioner No. 1, who is one of the transferees. Petitioner Nos. 4 and 6 are said to be witnesses over the said sale-deed.

Learned counsel for the petitioners has submitted that the vendees, viz. petitioner Nos. 1, 3 and 5 have acquired the property against a valid sale-deed after paying the entire consideration amount. If there is any dispute with respect to the ownership of the property, petitioner Nos. 1, 3 and 5 cannot be blamed for the same. It has further been submitted that if there is any cloud over the property, the



petitioners only would be in trouble.

So far as petitioner Nos. 4 and 6 are concerned, they are only said to be the witness on the sale-deed.

There is no further accusation that they knew that the vendors did not have the title and the capacity to transfer the property in favour of the any purchaser.

Considering the vague nature of accusation against the petitioners, they, in the event of their arrest or surrender before the learned Court below within a period of eight 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, Bettiah, West Champaran, in connection with Majhauriya P.S. Case No. 458 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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