

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2961 of 2021

Arising Out of PS. Case No.-139 Year-2018 Thana- ARA MUFFASIL District- Bhojpur

1. HARENDRA SINGH Son of Late Mundrika Singh Resident of Village-Dewarhi, P.S.-Ara Muffasil, District-Bhojpur
2. Anil Kumar Singh Son of Late Chandrika Pd. Singh Resident of Village-Dewarhi, P.S.-Ara Muffasil, District-Bhojpur.
3. Sheo Pujan Singh Son of Ram Tabakal Singh Resident of Village-Hadiabad, P.S.-Ayar, District-Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Aditya Narayan Singh.1, Advocate
For the Opposite Party/s :	Mr. Surendra Singh, Advocate
	Mr. Ram Priya Sharan Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 10-12-2021 Heard Mr. Aditya Narayan Singh, learned Advocate for the petitioners and Mr. Surendra Singh for the informant. The State is represented by Mr. Ram Priya Sharan Singh, learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Ara Muffasil P.S. Case No. 139 of 2018 dated 05.05.2018 instituted for the offences under Sections 147, 148, 149, 323, 341, 504, 420, 467, 468 and 406 of the Indian Penal Code.

The subject FIR is the outcome of a complaint lodged by Mahant Mahavir Das of Ram Janki Mandir, Dewarhi.



It has been alleged that the accused persons viz. Shambhu Singh, Bhola Singh, Sidheshwar Singh and Joginder Singh have sold the land of the Math unauthorizedly to petitioners no. 1 and 2 and the purchasers have been identified by the petitioner no. 3.

Learned counsel for the petitioners has submitted that the vendors had the right and title to sell the property and therefore the property was purchased by petitioners no. 1 and 2 on a valid consideration. The petitioner no. 3, who is 86 years of age had identified petitioners no. 1 and 2.

It has further been submitted on behalf of the petitioners that they had no idea that the property which they had purchased was under litigation.

Nonetheless, the petitioners no. 1 had become agreeable for the purchase of the property as the vendors are non-else but the descendants of Laljharo Kuwar who is the sister of late Mahant Janki Das. The property may be in dispute but no motive can be assigned to the petitioners who have purchased the property for valid consideration.

The informant would have several ways and means of getting such sale deed rescinded.

Considering the aforementioned arguments, the petitioners are directed to be released on bail, in the



event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VII, Bhojpur, Ara in connection with Ara Muffasil P.S. Case No. 139 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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