

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2813 of 2021

Arising Out of PS. Case No.-102 Year-2020 Thana- NAYAGAON District- Saran

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1. LAXMAN RAI Son of Ramsundar Rai Resident of Village - Nayagaon, P.S.- Nayagaon, District - Saran at Chapra
 2. Pramod Rai Son of Laxman Rai Resident of Village - Nayagaon, P.S.- Nayagaon, District - Saran at Chapra
 3. Mithilesh Kumar Son of Laxman Rai Resident of Village - Nayagaon, P.S.- Nayagaon, District - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhakar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 22-07-2021 Heard Mr. Prabhakar Singh, learned Advocate 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 Nayagaon P.S. Case No. 102 of 2020 dated 03.07.2020 instituted for the offences under Sections 147, 148, 341, 323, 420, 467, 468, 471, 384, 354, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

The accusation against the petitioners is of having obtained a sale deed from a fictitious person.

Learned counsel for the petitioners has submitted that petitioners no. 2 and 3 are the sons of



petitioner no. 1 and they have been made accused in this case with ulterior purposes. The land in question has been purchased by the petitioners from one Vijay Kumar Sinha. The continuous title of the vendor has been shown in the bail petition. The property first came in the hands of one Dharmendra Sinha and after his death, it devolved upon his son Vijay Kumar Sinha, who is the vendor.

The informant and his ancestors have purchased the land in a different plot number.

Learned counsel for the petitioner has further submitted that accusation of assault and firing is on other accused persons.

The parties are on litigating terms and are contesting Title Suit No. 159 of 2020. There, thus, appears to be a dispute between the vendors of the petitioners and the informant with respect to a plot of land.

According to the information provided in the bail petition, the property which has been purchased by the petitioners falls in Plot No. 1035, whereas the land belonging to the informant falls in Plot No. 1036.

The land in question has been mutated in the name of the petitioners.

Regard being had to the aforestated facts and



taking into account that with respect to such sale deed which has been questioned in the subject FIR, a Title Suit also is pending, 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 eight 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 Chief Judicial Magistrate, Aurangabad in connection with Nayagaon P.S. Case No. 102 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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