

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26197 of 2021

Arising Out of PS. Case No.-13 Year-2020 Thana- CHAKIA District- East Champaran

1. ASHOK SHARMA Son of Baban Sharma Resident of village- Phulwariya, P.S.- Chakiya, District - East Champaran.
2. Mukesh Sharma Son of Baban Sharma Resident of village- Phulwariya, P.S.- Chakiya, District - East Champaran.
3. Sri Narayan pandey Son of Kishun Pandey Resident of village - Phulwariya, P.S.- Chakiya, District - East Champaran.
4. Sanjay Thakur Son of Punydeo Thakur Resident of village - Chakiya, P.S.- Chakiya, District - East Champaran.
5. Pappu Yadav Son of Babulal Yadav Resident of village- Kharki Kuanwa, P.S.- Chakiya, District - East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Adv
For the Opposite Party/s : Mr. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-07-2022 Heard the parties.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioners apprehend their arrest in a case registered for the offence punishable under section 420, 467, 468, 471, 120(B)/384/387 of the Indian Penal Code.

Vide order dated 26.05.2022, the petitioners were granted



provisional bail and notice was issued to the O.P. No.2.

The office points out that the service report of ordinary notice with report of process server is that O.P. No.2 has received the notice personally but today when the matter is called out, no body appears on his behalf.

Allegation against petitioner no.1 and 2 is that under a conspiracy, they purchased the land belonging to the informant and his son from the son of the informant and on that sale deed petitioner no.3 was identifier and petitioner nos.4 and 5 were witnesses. It is alleged that when the informant asked about the same from the accused petitioners, they assaulted, abused and threatened to kill him.

It is submitted by learned counsel for the petitioners that the petitioners are innocent and have not committed any offence. No such occurrence, in the manner as alleged has taken place. Petitioners have been falsely implicated in this case merely on suspicion. It is submitted that the said land was registered in the name of the informant's son and therefore he sold the land to the petitioners. There is a family partition between the informant and his son and as such, the informant's son executed the sale deed in favour of the petitioner no.1 and 2. Petitioners have no criminal antecedent.



Having regard to the facts and circumstances of the case, it is evident that the dispute is basically of civil nature, as such, the provisional bail granted to the petitioners vide order dated 26.05.2022, in connection with Chakia P.S. Case No. 13 of 2020, is hereby confirmed, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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