

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46978 of 2021

Arising Out of PS. Case No.-499 Year-2014 Thana- BAGHA District- West Champaran

1. Sampati Devi @ Sampatiya, Wife of Late Moti Yadav, Resident of Village- Badhi Chhapra, Police Station- Hanumangarhi, District- Kushi Nagar, (U.P.)
2. Lalan Yadav @ Lallan, Son of Late Moti Yadav, Resident of Village- Badhi Chhapra, Police Station- Hanumangarhi, District- Kushi Nagar, (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Shankar Sahay, Advocate
		Mr. Perna Anand, Advocate
For the Opposite Party/s	:	Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-06-2022 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Ravi Shankar Sahay, learned counsel appearing on behalf of the petitioners and the learned APP for the State.

The petitioners are apprehending their arrest in connection with Bagha P.S. Case No. 499 of 2014 for the offences punishable under Sections 447, 506, 420, 467, 468 and 120(B) of the Indian Penal Code.

As per prosecution case, it is alleged that under conspiracy, all the F.I.R. named accused persons have got



registered the land of the informant, bearing khata no. 113, Khesara no. 1820, measuring area 2 acres and 49 decimals, on 15.11.2014 by impersonating another woman in her place, as executant. It is also alleged by the informant that she has neither sold her land nor executed the sale deed in the names of the accused persons.

At the outset, learned counsel for the petitioners submits at the bar, on instruction of his client, that as per his information till date the process under Sections 82/83 of the Cr.P.C. have not been issued.

It is submitted by the learned counsel appearing on behalf of the petitioners that the petitioners are not named in the F.I.R. and though the case has been instituted way back in the year 2014 but the name of the petitioners have transpired for the first time in the year 2019 on the basis of hearsay evidence. It is further submitted that other accused persons named in the F.I.R. have already been granted anticipatory bail by the court below itself and the case of the petitioners' are on better footing. It is also submitted that the petitioners, being mother and son, had no knowledge nor they have ever been noticed or searched by the police. It is further alleged that except the suspicion, no cogent material has come during the course of investigation, which



suggest the complicity of the petitioners in the present case. It is lastly submitted that the petitioners have got clean antecedents and they are ready to co-operate in the investigation and there is no allegation of tampering with the evidence.

On the other hand, learned APP for the State opposes the bail application and submits that during the course of investigation the complicity of the petitioners have come.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the name of the petitioners have transpired after five years of the institution of the case that too on the basis of hearsay, apart from the fact that one title suit with respect to such land, in question, is pending and further the petitioners have got no criminal antecedents, let the petitioners named above, be released on bail, in the event of their arrest or surrender before the court below within eight weeks from today, on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Bagaha, West Champaran in connection with Bagaha P.S. Case No. 499 of 2014 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with the following conditions:



(i) One of the bailors should be the close relatives of the petitioners.

(ii) The petitioners will cooperate in the investigation as well as in conclusion of the trial.

(iii) They will not try to tamper with the evidence or intimidate the witnesses in course of investigation or during the course of trial.

(Harish Kumar, J)

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