

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43100 of 2022

Arising Out of PS. Case No.-56 Year-2022 Thana- PUPRI District- Sitamarhi

1. SUJIT KUMAR THAKUR Son of Tez Narayan Thakur @ Taj Narain Thakur Resident of Village - Mahima Rasalpur, Ward No. 11, P.S.- Pupri, District - Sitamarhi.
2. Taj Narain Thakur @ Tez Narayan Thakur Son of late Shobha Thakur Resident of Village - Mahima Rasalpur, Ward No. 11, P.S.- Pupri, District - Sitamarhi.
3. Sudha Devi Wife of Tez Narayan Thakur @ Tej Narain Thakur Resident of Village - Mahima Rasalpur, Ward No. 11, P.S.- Pupri, District - Sitamarhi.
4. Manoj Thakur @ Manoj Son of Tez Narayan Thakur @ Tej Narain thakur Resident of Village - Mahima Rasalpur, Ward No. 11, P.S.- Pupri, District - Sitamarhi.
5. Sanjeev Thakur @ Sanjiv Thakur Son of Tez Narayan Thakur @ Tej Narain Thakur Resident of Village - Mahima Rasalpur, Ward No. 11, P.S.- Pupri, District - Sitamarhi.
6. Brajesh Kumar Thakur @ Brajesh Thakur Son of Tez Narayan Thakur @ Tej Narain Thakur Resident of Village - Mahima Rasalpur, Ward No. 11, P.S.- Pupri, District - Sitamarhi.
7. Ajit Kumar Thakur @ Ajit Thakur Son of Tez Narayan Thakur @ Tej Narain Thakur Resident of Village - Mahima Rasalpur, Ward No. 11, P.S.- Pupri, District - Sitamarhi.
8. Ragani Thakur @ Ragini Thakur Wife of Brajesh Kumar Thakur @ Brajesh Thakur Resident of Village - Mahima Rasalpur, Ward No. 11, P.S.- Pupri, District - Sitamarhi.
9. Savita Devi Wife of Ajit Thakur @ Ajit Kumar Thakur Resident of Village - Mahima Rasalpur, Ward No. 11, P.S.- Pupri, District - Sitamarhi.
10. Pukari Devi Wife of Parmeshwar Thakur Resident of Village - Dhobauli, K.Bishanpur, P.S.- Dumra, District - Sitamarhi.
11. Vishwanath Thakur Son of Parmeshwar Thakur Resident of Village - Dhobauli, K.Bishanpur, P.S.- Dumra, District - Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Narayan, Sr. Advocate
For the Opposite Party/s	:	Md. Nazir Ansari, APP
For the Informant/s	:	Mr. Pushpendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA



ORAL ORDER

2 27-09-2022 Heard learned senior counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 420, 504 and 506 of the Indian Penal Code.

Learned senior counsel for the petitioners submits that petitioner nos. 3, 8, 9 and 10 are women and petitioner no. 3 is aged about 74 years and petitioner no. 10 is aged about 76 years, it is next submitted that petitioner nos. 1, 3 to 5 and 7 to 11 are persons with clean antecedent and petitioner nos. 2 and 6 have antecedent of one case, and the informant alleges that the accused persons, including the petitioners, are related to the informant and some of the accused in the FIR are purchasers of land from the petitioners, which the informant claims that it was his share of land which was fraudulently sold by the petitioners in connivance by a sale deed on 28.07.2002 with an intention to grab the land of the informant.

Learned senior counsel for the petitioner submits that the petitioners have been falsely implicated in the present



case and the informant is own nephew of petitioner no.2 and petitioner no.3 is wife of petitioner no.2 and petitioner no. 1, 4, 5, 6 and 7 are sons of petitioner no. 2 and further petitioner no.8 and 9 are wife of petitioner no.6 and 7 and petitioner no.10 is Bua of the informant and petitioner no. 11 is son of petitioner no.10, it is thus submitted that admittedly the petitioners are family members and the land in question was ancestral property in which even the petitioners had their share and thus they sold the land in the year 2002, it is next submitted that if the land fell in the share of the informant and the informant was aggrieved by the sale made in favour of the purchasers by his family members then he had remedy of getting the sale deed cancelled, it is also submitted that the sale deed was executed in 2002 and 2021 and the present case came to be instituted in the year 2021 i.e., nearly after 20 years of the occurrence that in itself demonstrates that the informant was not even aware that the land belongs to him, it is further submitted that had the land been in the share of the informant then promptly he would have instituted a case for getting the sale deed cancelled, but then instituting an FIR is nothing but a clear abuse of the process of the Court in order to coerce the petitioners into submission by putting them into



fear of arrest so that they compromise or part with their property, It is further submitted that initially the land, which belonged to the petitioners, was sold in the year 2002 and thereafter again in 2021, it is thus submitted that had the petitioners sold the land of the informant then definitely the informant after 2002 would have taken recourse to legal remedy but since he did not take any recourse to legal remedies that in itself demonstrates that the land never belonged to the informant.

Learned A.P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the petitioners, but are not in a position to rebut the submission of the learned senior counsel that the case has been instituted after an inordinate delay of 20 years and the case is purely of civil dispute to which a criminal colour has been given.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 2,000/- (Rupees Two Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where



the case is pending/successor court in connection with Pupri
P.S. Case No. 56 of 2022 subject to the conditions as laid
down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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