

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44536 of 2022

Arising Out of PS. Case No.-659 Year-2021 Thana- RUPASPUR District- Patna

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1. Bauaa Nand Rai @ Upendra Rai Son Of Shiv Ji Rai R/O Village- Sobarna, P.O.- Sherpur, P.S.- Maner, District- Patna
 2. Shiv Ji Rai @ Shiva Ji Rai Son Of Late Sitablal Singh R/O Village- Sobarna, P.O.- Sherpur, P.S.- Maner, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hare Krishna Prasad, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 12-12-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Rupaspur P.S. Case no. 659 of 2021 instituted for the offence punishable under Sections 467, 468, 471, 420, 385 and 34 of the Indian Penal Code.

As per allegation in the FIR, the informant is the owner of land bearing khata no. 661. Khesra No.- 652 having its area-7.5 decimal situated at Surya Bihar Colony behind the Paudar Tiles Factory (subject property). According to informant, she got the subject property registered in her name in 1992, and



since then she has been paying revenue in her own name. As per informant, the petitioners after fabricating an agreement for sale of 1988 started claiming his title over property and applied for mutation. The informant further alleged that the petitioners have installed a Khataal and demanding Rs 40 lakhs as ransom in lieu of vacating the land.

It is submitted by learned counsel for the petitioners that they have been falsely implicated in this case. Petitioners are living on the said plot since 1988 and the informant is claiming over that plot from 1992 by a document of registry, which itself is in jeopardy. The petitioners are living on said plot since more than four years prior to the claim of informant by the said registry and till date the land is in the absolute possession of the petitioners. Since 1992 to 2021, the informant has not claimed over the said land for the title under reasonable limitation period of 12 years as provided under Limitation Act.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a



period of four weeks from today and in the event of their arrest or surrender in connection with Rupaspur P.S. Case no. 659 of 2021, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Danapur subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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