

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57259 of 2021

Arising Out of PS. Case No.-39 Year-2021 Thana- PIPRAKOTHI District- East Champaran

1. Karnal Sah Son Of Sheo Chandra Sah Resident Of Village - Bangari , P.S.- Pipra Kothi, Distt.- East Champaran.
2. Sushila Devi @ Shoshila Devi W/o Ravi Ranjan Sah Resident of Village - Bangari , P.s.- Pipra Kothi, Distt.- East Champaran.
3. Rishu Sah @ Rishu Kumar Son of Bharat Thakur Resident of Village - Bangari , P.s.- Pipra Kothi, Distt.- East Champaran.
4. Lal Babu Pathak Son of Late Jainarayan Pathak Resident of Village - Bangari , P.s.- Pipra Kothi, Distt.- East Champaran.
5. Sheo Chandra Sah Son of Late Satnarayan Sah Resident of Village - Bangari , P.s.- Pipra Kothi, Distt.- East Champaran.
6. Bharat Thakur Son of Late Chanderdeo Thakur Resident of Village - Bangari , P.s.- Pipra Kothi, Distt.- East Champaran.
7. Indu Dev i W/o Karnal Sah Resident of Village - Bangari , P.s.- Pipra Kothi, Distt.- East Champaran.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Vijay Shankar Shrivastava, Advocate
For the Opposite Party/s :	Mr.U. Pandit, Addl Public Prosecutor
for the informant	Mr. Rajeev Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 12-07-2022 Heard learned counsel for the petitioners, the State and the informant.

Petitioners apprehend their arrest in a case registered for the offence punishable under Sections 420, 467 and other allied sections of the Indian Penal Code.

Informant alleges that his villager petitioner no.4 had greedy eye on the land of the informant and wanted to grab the



same without payment of consideration money. In the meantime, he executed a sale deed in favour of petitioner no.6 in which petitioner no.5 became identifier and witness. Same day, petitioner no.4 executed another sale deed in favour of petitioners no. 1, 2 & 7 in which Guddu Pathak and Bharat Thakur (petitioners no.6) were identifier and witness. It is further alleged that all the accused persons having known that the lands belong to the informant by way of gift and the informant being in peaceful possession of the same, executed the sale deed as well as became witness/identifier in the said transaction.

Learned counsel appearing for the petitioners denying the allegation submits that there was family partition in which sold land in question was allotted to petitioner no.4. Furthermore, the present case is of civil nature and no criminal case is made out against the petitioners. It is further submitted that the FIR was lodged after delay of more than one month and there is no plausible explanation of delay.

Learned counsel appearing for the State as well as the informant oppose the prayer for bail. They submit that the petitioners with a view to grab the land of the informant, knowingly executed the aforesaid sale deeds as well as became



identifier/witness in the said transaction.

Considering the nature of allegation against the petitioners, in the event of arrest/surrender within six weeks from today, let the petitioners, named above, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Motihari, East Champaran in Pipra Kothi Police Station Case No. 39 of 2021, subject to the conditions laid down under sections 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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