

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72081 of 2021

Arising Out of PS. Case No.-636 Year-2018 Thana- NAWADA District- Nawada

1. RAM PRAVESH SINGH Son of Late Harihar Singh Resident of Village - Puri, P.S. - Giriyak, District - Nalanda.
2. Balmiki Singh Son of Late Harihar Singh Resident of Village - Puri, P.S. - Giriyak, District - Nalanda.
3. Mani Devi Wife of late Bachchu singh Resident of Village - Puri, P.S. - Giriyak, District - Nalanda.
4. Rebi Devi Wife of Mundrika Singh Resident of Village - Puri, P.S. - Giriyak, District - Nalanda.
5. Mukesh Kumar Son of Ram Pravesh Singh Resident of Village - Puri, P.S. - Giriyak, District - Nalanda.
6. Sanjay Kumar Son of Late Chandrika Singh Resident of Village - Puri, P.S. - Giriyak, District - Nalanda.
7. Subhash Singh @ Subhash Prasad Singh Son of Late Bachchu Singh Resident of Village - Puri, P.S. - Giriyak, District - Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vibhuti Ranjan Sonvadra, Advocate
For the Opposite Party/s	:	Mr. Vinod Shanker Modi, APP
For the Informant	:	Mr. Lovekush Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-08-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

Learned counsel for the petitioners, at the outset, seeks permission to withdraw the present anticipatory bail application with regard to petitioner no. 3.

Permission is accorded.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 420, 468,



471 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioner nos. 1, 2, 4, 5 and 6 have antecedent of one case, petitioner no. 7 is a person with clean antecedent and the informant alleges that petitioner nos. 1, 2 and 4 along with another co-accused, who are not land owners, had executed sale deed, as detailed in the FIR, in favour of other accused persons on which petitioner nos. 5 and 6 are witnesses and petitioner 7 is the identifier.

Learned counsel for the petitioners submits that from bare perusal of the allegation as alleged in the FIR it would manifest that the dispute is purely civil in nature, it is next submitted that police after investigation submitted final form as would be evident from Annexure-6 to the anticipatory bail application and the learned trial court differing with the police report in a mechanical manner has taken cognizance of the offence against the petitioner,

Learned counsel for the petitioners next submits that the petitioners are the true legal heirs of the land owner and the informant is putting his claim that he is the real legal heir of the land owners. It is further submitted that from the side of the informant, Title Suit No. 427 of 2018 was filed in the Court of learned Sub-Judge, 1st, Nawada against the petitioners and other



co-accused of the present case for declaring their title on the land but the same was dismissed. The learned counsel thus submits that it absolutely does not stand to reason that how come the learned trial court has taken cognizance when in the investigation nothing has come which could even remotely connect the petitioner with the offence.

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 able to meet the submissions made by the learned counsel for the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioner nos. 1, 2, 4, 5, 6 and 7, in the event of their arrest or surrender before the learned Court below 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 court below where the case is pending/successor court in connection with Nawada P.S. Case No. 636 of 2018 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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