

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72525 of 2021**

Arising Out of PS. Case No.-2898 Year-2018 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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1. Ashok Sah @ Ashok Sha Son Of Late Shiv Shankar Sah,
 2. Urmila Sah @ Urmila Sha Wife Of Ashok Sah @ Ashok Sha,
Both are resident of Village- Harka Kalyan, P.S.- Minapur, District-
Muzaffarpur At Present Village- Kalwarpatti Mathabhanga, P.S.-
Mathabhanga, District- Kuch Bihar (west Bengal).

... .. Petitioners

Versus

1. The State of Bihar.
2. Ravindra Sah Son of Late Janki Sah R/o Village- Harka Kalyan, P.S.-
Minapur, District- Muzaffarpur

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate
For the Opposite Party/s : Mr. Madan Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER**

2 09-06-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

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

This is an application for grant of anticipatory bail in
connection with Complaint Case No. 2898 of 2018 in which
cognizance under Sections 323 and 420 of the Indian Penal
Code has been taken.

As per complaint case, complainant who is uncle of



petitioner no. 1 alleges that petitioner no. 1 sold the land to co-accused Ram Sakal Rai and petitioner no. 2 through sale deed dated 06.11.2017, which land according to the complainant belongs to him. It is further alleged that when complainant opposed to them, co-accused Ram Sakal Rai, Mithlesh Rai and petitioner no. 2 abused and assaulted him and took out his watch, ring and Rs. 1000/- from his pocket.

Learned counsel for the petitioners submits that the petitioner no. 1 has sold the land in question which was allotted to him from the share of his father and he has committed nothing wrong but the complainant has filed this false case against the petitioners and purchaser of the land. He has further submitted that the co-accused Ram Sakal Rai (purchaser of the land) and Mithlesh Rai have already been granted anticipatory bail by the Coordinate Bench of this Court vide order dated 26.07.2019 passed in Criminal Misc. No. 46554 of 2019. He has next submitted that the present dispute is civil in nature and complainant has filed the present complaint case after near about one year of the alleged occurrence without any plausible explanation of inordinate delay. Petitioners have no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer of



anticipatory bail application of the petitioners.

Having heard learned counsel for the parties and considering the fact that there is dispute of share in between petitioner no. 1 and complainant and matter appears to be civil in nature, co-accused persons have already been granted anticipatory bail by the Coordinate Bench of this Court and petitioners have no criminal antecedent, as such, I am inclined to grant anticipatory bail to the petitioners, let the petitioners, above named, in the event of their arrest/surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to 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 learned Judicial Magistrate-1st Class, Muzaffarpur in connection with Complaint Case No. 2898 of 2018, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sunil Dutta Mishra, J)

ved/-

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