

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9756 of 2023

Arising Out of PS. Case No.-2654 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

-
1. ARVIND KUMAR S/o Late Rajendra Ray Resident Of Mohalla- Digha Ghat, P.S.- Digha, Distt- Patna.
 2. Manik Chand S/o Late Rajendra Ray Resident Of Mohalla- Digha Ghat, P.S.- Digha, Distt- Patna.
 3. Vijay Raj S/o Shri Jagdish Pd. Jagdish Pd. Resident Of Mohalla- Digha Ghat, P.S.- Digha, Distt- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sangita Sahi W/o Mani Kumar Rai R/o Mohalla- Sakarpura, P.S.- Hasanpura Road, Distt- Samastipur. At present resident of Indrapuri, P.S.- Patliputra, Distt- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhitabh Kumar, Adv.
For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP.
Mr. Anup Kumar Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-04-2023 Heard the parties.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 175, 465, 468, 471, 120(B), 323 of the Indian Penal Code.

Allegedly, petitioners along with other accused persons have done mutation on forged documents by using their posts and position, and in this way through criminal misappropriation and for illegal gratification, the land was sold to six persons in spite of full knowledge of the fact that Late Yadun Bhagat had



sold 3429 sq.ft. land to the husband of the informant.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Petitioners are bonafide purchasers of the above disputed land. Petitioners have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is admitted land dispute between the parties. It is further submitted that the present case is of civil nature. In this regard, the complainant has already filed title Suit bearing no. 171 of 2021, which was pending in the Court of learned Sub Judge XIII, Patna. It is relevant to mention here that there is no question of cheating because the alleged land has been purchased by the real owner and at the time of purchase, the mutation was done in the name of the real owner i.e. Samudri Devi. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State as well as learned counsel for the complainant opposed the prayer for bail.

Having regard to the facts and circumstances of the case, there is civil dispute between the parties, let the above named petitioners, be released on bail, in the event of their arrest or



surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Complaint Case No. 2654 (c) of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

divyanshi/-

U		T	
---	--	---	--

