

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16550 of 2023

Arising Out of PS. Case No.-947 Year-2021 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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1. LAKHAN MUKHIA @ LAKHAN MUKHIYA S/O- Late Nakchhedi Mukhia Resident Of Village- Bakunia Tola, Jharwqa, P.S.- Nauhatta District- Saharsa.
 2. CHANDESHWARI YADAV S/O- Late Swarup Yadav Resident Of Village- Bakunia Tola, Jharwqa, P.S.- Nauhatta District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar
2. ANIL KUMAR SINGH S/O- Late Dip Narayan Prasad Singh At Present Resident Of Officer Colony Gidhi A, P.O.- Gidhi A P.S.- Gidhi A, District- Ramgarh Jharkhand, Permanent Resident Of Village- And P.O.- Dina, Chakla, P.S.- Pasraha District- Khagaria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate
For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-05-2023 Heard Mr. Amarnath Jha, learned counsel for the petitioners and Mr. Mithilesh Kumar Khare, learned Additional Public Prosecutor appearing for the State.

Petitioners apprehend their arrest in connection with Complaint Case No. 947-C of 2021 dated 02.12.2021 registered for the offences punishable under Sections 467, 468, 471, 120(B), 406, 419, 420, 341, 323, 504, 506, 34 of the Indian Penal Code while the cognizance has been taken under Sections 406, 467, 468, 420/34 of the Indian Penal Code.

As per the allegation the petitioners sold the land



belonging to the complainant and his brother by impersonating them and by producing another person in place of the complainant and his brother.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case on the basis of concocted story and the petitioner No. 1 is the *bonafide* purchaser of the piece of land which was registered in the name of the petitioner No. 1 in the year 2019 by the complainant and his brother. He further submits that the brother of the complainant died in 2020 and the present complaint has been filed after death of the vendor i.e brother of the complainant in the year 2021. The petitioner No. 2 has allegedly helped the petitioner No. 1 to get the sale deed registered in his favour pertaining to the land in question. There is inordinate delay in lodging the complaint. Learned counsel for the petitioners further submits that the allegation against the petitioners is based upon the documents and there is no likelihood that the petitioners will abscond or tamper with the evidence.

Regards being had to the submission made by the parties and taking into consideration the nature of allegation and the fact that the allegation is based upon the documents, custodial interrogation of the petitioners may not be necessary, I



am inclined to grant anticipatory bail to the petitioners.

This application is accordingly allowed.

Accordingly, in the event of arrest or surrender before the Court below within six weeks from today, petitioners, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Saharsa, in connection with Complaint Case No. 947-C of 2021, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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