

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16468 of 2023

Arising Out of PS. Case No.-85 Year-2013 Thana- DHAMDAHA District- Purnia

1. BHUDEV MANDAL S/O LATE TALESHWAR MANDAL R/V- BELA PEMU DARGAH TOLA , P.S.- BARHARA KOTHI (RAGHUBANSH NAGAR) DISTRICT- PURNEA.
2. KALO SHARMA S/O LATE RATESHWAR SHARMA R/V- BELA PEMU DARGAH TOLA , P.S.- BARHARA KOTHI (RAGHUBANSH NAGAR) DISTRICT- PURNEA.
3. RAJO SHARMA S/O TANGI SHARMA R/V- BELA PEMU DARGAH TOLA , P.S.- BARHARA KOTHI (RAGHUBANSH NAGAR) DISTRICT- PURNEA.
4. RAJ KISHORE MANDAL S/O SARYUG MANDAL R/V- BELA PEMU DARGAH TOLA , P.S.- BARHARA KOTHI (RAGHUBANSH NAGAR) DISTRICT- PURNEA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Dhamdaha P.S. Case No. 85 of 2013 for the offence registered under sections 120(B), 420, 467 and 468 of the Indian Penal Code lodged on 08.05.2013 by the informant, Thakur Rameshwar Singh.

As per complaint petition filed by complainant, namely, Thakur Rameshwar Singh, the prosecution case, in brief, is that the complainant and his two brothers have a joint family. All are living together. Complainant has three cousin



brothers. namely, Akhilesh Prasad Singh, Braj Kishore Singh and Mukesh Kumar Singh. The complainant was posted in Bihar Agriculture Service and was busy with his job and so he had asked his cousin Amir Singh (now deceased) to give the ownership land on contract for one or two years and sometimes the complainant used to come and used to take care of his land.

Meanwhile, on 16.04.1988, Amir Singh was murdered by local anti-social elements. After that the complainant got cultivated the land of village Belapemu by the local people on cash contract and asked to take care of his land to the four sons of Ramlakhan Singh. Taking advantage of that co-accused persons, namely, Akhilesh Prasad Singh, Braj Kishore Singh and Mukesh Kumar Singh, Ajab Lal Mandal and the petitioners bought and sold the land of the complainant unauthorizedly under a well-planned criminal conspiracy by preparing fake documents.

From the year 2003 to 2012. the land of the complainant and his brothers have been wrongly transferred by co- accused persons, namely, Akhilesh Prasad Singh, Braj Kishore Singh and Mukesh Kumar Singh in favour of the petitioners and other while the above land is not the land in their share. Illegal purchase and sale of complainant's land has been



described in the complaint petition. Accordingly, the FIR.

Learned counsel for the petitioners submit that he being a purchaser cannot be held responsible for the act from the seller and they purchase the same under *bona fide* belief that the same is free of dispute.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that it is a case of section 420 of the Indian Penal Code.

This Court finds force in the submission of the learned Counsel for the petitioners that the purchaser cannot be responsible for the alleged act of the seller and they do not have criminal antecedent, this Court is inclined to grant them privilege of anticipatory bail.

Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate II, Purnea in connection with Dhamdaha P.S. Case No. 85 of 2013 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of



the petitioners, who shall provide official document to show their *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the anticipatory bail application stands allowed.

(Rajiv Roy, J)

Jagdish/Neha/-

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