

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16406 of 2023

Arising Out of PS. Case No.-352 Year-2021 Thana- RIVILGANJ District- Saran

1. SAWALIYA RAI S/O LATE CHILLAR RAI R/O VILLAGE- SEMARIYA WARD NO. 02, P.O AND P.S- RIVILGANJ, DISTT.- SARAN (CHAPRA).
2. MALTI DEVI W/O SAWALIYA RAI R/O VILLAGE- SEMARIYA WARD NO. 02, P.O AND P.S- RIVILGANJ, DISTT.- SARAN (CHAPRA).

... .. Petitioner/s

Versus

THE STATE OF BIHAR A.G PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Adv.
For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP.
Mr. Rakesh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 419, 420, 467, 468, 471, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

Allegedly, the informant had purchased 1 Kattha 10 Dhurs land from co-accused Sanjay Singh on 05.02.2012 through registered sale deed. Then on 20.03.2013 Rajmuni Devi, mother of the informant, purchased 6 Katthas 10 Dhurs land from said co-accused Sanjay Singh and then both the lands were mutated in favour of the informant and his mother and they came in peaceful possession thereon. Again on 23.07.2017,



mother of the informant purchased 4 Katthas land of the said plot from other co-parcener which was also mutated and the informant and his family are in peaceful possession on the entire 12 Katthas land of the said plot. Thereafter, co-accused Sanjay Singh by preparing a forged document regarding 2 Katthas land of the same plot has filed petition for mutation in favour of petitioner no.2 Malti Devi on which the informant has also filed objection petition.

It is further alleged that on 18.08.2021 when Bataidar Shamsheer Mian of the informant was sowing *Karela* on the alleged land of the informant, the accused persons came and started obstruction and when the informant along with his uncle Ramnath Rai reached there, petitioner no.1 and co-accused Sanjay Singh and Vikky Rai started abusing. Petitioner no.1 and his son Vikky Rai started brandishing country made pistol. Due to intervention of local people and witnesses, the informant was saved.

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 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. Both the petitioners are husband and wife and are bonafide purchasers of the land on consideration. The present matter is of civil nature, but the informant has filed the instant criminal case only to harass the petitioners. 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 informant opposed the prayer for bail.

Having regard to the facts and circumstances of the case, as 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 Rivilganj P.S. Case No. 352 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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