

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28776 of 2023

Arising Out of PS. Case No.-43 Year-2023 Thana- DHAKA District- East Champaran

1. UMESH PRASAD @ UMESH SAH S/O LATE ANHOTI SAH
2. Sumitra Devi W/O Rajaram Prasad @ Raja Prasad
3. Rahul Kumar S/O Umesh Prasad @ Umesh Sah
All R/O Village- Raghunathpur, P.O- Mirpur, P.S- Chiraiya, Distt.- East Champaran, PIN- 845415
4. Kishori Devi W/O Late Jagarnath Sah
5. Rampravesh Sah S/O Late Jagarnath Sah
Both R/O Village- Harajnurullahpur, P.S- Shikargunj, Distt.- East Champaran.
6. Sudama Devi W/O Late Bhagelu Sah R/O Village- Raghunathpur, P.S- Chiraiya, Distt.- East Champaran,
7. Md. Umair Ansari S/O Md. Ismail Ansari R/O Village- Maliya Tola, P.S- Chiraiya, Distt.- East Camparan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Krishna, Advocate
For the Opposite Party/s : Ms. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 12-07-2023

1. Heard learned counsel for the parties.

2. The petitioners in this application pray for bail apprehending their arrest in connection with Dhaka P.S. Case no.43 of 2023 registered for the offence punishable under sections 420, 468, 471 and 34 of the Indian Penal Code.

3. As per the prosecution case, it is stated by the informant that the accused persons entered into a conspiracy and the petitioner no.4 Kishori Devi illegally executed a registered



sale deed with respect to the land of the informant in favour of the other accused and when the informant went to his land, the accused persons threatened him.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the case. From perusal of the contents of the F.I.R. itself, it would transpire that the dispute between the parties is one which is purely civil in nature. Learned counsel for the petitioners in support of his submissions refers to the copy of the registered sale deed brought on record as Annexure-3 as also plaint of Title Suit no.6 of 2023 pending between the parties in the Court of learned Sub Judge, Sikrahana, District East Champaran. It is submitted that Kishori Devi has sold her share in the joint family property.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation in the F.I.R., the contents of the registered sale deed and the plaint of Title Suit no.6 of 2023 brought on record in the bail petition, the Court is inclined to enlarge the petitioners on anticipatory bail.

7. Let the seven petitioners, above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail



on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each in connection with Dhaka P.S. Case no.43 of 2023 to the satisfaction of the learned Chief Judicial Magistrate, Sikrahana (Dhaka), East Champaran at Motihari, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Partha Sarthy, J)

Saurabh/-

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