

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30644 of 2023

Arising Out of PS. Case No.-1093 Year-2020 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. Dina Sahani Son Of Late Manchit Sahani Resident Of Village - Rajepur Nawada, P.S.- Pakridayal, District - East Champaran.
 2. Sachindra Sahani Son Of Bula Sahani @ Bulu Sahni @ Bulu Sahni Resident Of Village - Rajepur Nawada, P.S.- Pakridayal, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Darbari Sahani Son of Late Gonaur Sahani Resident of Village - Rajepur Nawada, P.S.- Pakridayal, District - East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar No.1
For the Opposite Party/s : Mr.Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-09-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. From perusal of the office notes, it appears that the notice issued to the opposite party no. 2 is validly served upon him but nobody appears on his behalf.

2. The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 120(B), 420, 468/34 of the Indian Penal Code.

3. Petitioners are said to have fraudulently got the land in question executed and registered from the complainant who is an old and illiterate person.

4. Learned counsel for the petitioners submits that



the petitioners are innocent and have been falsely implicated in this case. He submits that the petitioner no. 1 is purchaser and petitioner no. 2 is the witness of the aforesaid sale deed. He submits that the learned lower court has taken cognizance under section 420/34 of the IPC which is non-bailable and then NBW issued against the petitioners. He further submits that petitioners have no criminal antecedent as stated in para-3 of the bail application.

5. Learned APP for the State opposes the prayer for bail.

6. Considering the nature of offence, I am not inclined to enlarge the petitioners on bail. Accordingly, their prayer for anticipatory bail is rejected in connection with Complaint Case No. 1093 of 2020.

7. However, if the petitioners surrender before the learned court below within a period of six weeks from today and pray for regular bail, the same shall be considered by the learned court below on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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