

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34875 of 2023

Arising Out of PS. Case No.-170 Year-2022 Thana- MOTIHARI MUFASIL District- East
Champaran

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Mahendra Sahani, aged about 50 years, Male, son of Late Dhiraj Sahani,
resident of village- Bhataha, P.S.- Muffasil, Motihari, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to
make necessary correction in para 8 with regard to year of the
Title Suit.

3. The petitioner seeks bail in connection with
Muffasil PS Case No.170 of 2022 dated 11.03.2022, instituted
for the offence punishable under Sections 420, 406, 467, 468,/34
of the Indian Penal Code.

4. The allegation against the petitioner is that he
proposed to sell his six *dhur* land which he got in his share after
the death of his mother to the informant. The informant agreed
to the proposal and purchased the said land on 20.10.2022 after



paying consideration money to the petitioner. It is further alleged that the petitioner gave proposal to the informant for remaining six *dhur* land which the petitioner also purchased on 10.07.2021 after paying full consideration amount. Thereafter, jamabandi was created in favour of the informant and he constructed a house with boundary over the land. It is further alleged that one Pawan Kumar and Khushboo Kumari came at the house of the informant and demanded rupees one lac saying that they are the real owners of the said six dhur land. On query the informant came to know that petitioner has executed a deed (*Titimanama*) on 30.11.2021 in favour of Pawan Kumar and Khushbook Kumari. In this way, the petitioner in collusion with others tried to harass the informant and extort money from him.

5. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Allegation in the FIR itself speaks about the land dispute between the parties. It is further submitted that the informant has filed Title Suit No. 05 of 2022 regarding the land mentioned in the FIR which is pending before the Munsif, Sadar, Motihari, for adjudication. The nature of allegation is purely civil which can be decided only by civil court. Lastly, it is submitted that the petitioner is in custody since 22.09.2022 and one criminal case



is pending against the petitioner.

6. Learned APP has opposed the prayer for bail.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the CJM, Motihari, in Muffasil PS Case No. 170 of 2022.

(Khatim Reza, J)

J. Alam/-

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