

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35106 of 2023

Arising Out of PS. Case No.-2054 Year-2022 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

-
1. Umakant Thakur S/O Late Laljee Thakur R/O Village- Sarottar, P.S.- Dumariyaghat, Dist.-east Champaran
 2. Lalan Dubey S/O Late Rajan Dubey R/O Village- Mananpur, P.S.-kalyanpur, Dist.-east Champaran

... .. Petitioner/s

Versus

1. The state of Bihar
2. Nawal Sharma @ Nawal Kishore (aged 83 Y/M) son of late Yamuna Mal, Resident of Village-Bara Harpur, P.S.-Barsidhi, District-East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rashmi Jha, Adv.
For the State : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 24-07-2023 Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Complaint Case No. 2054 of 2022 wherein cognizance has been taken under Sections 323, 504, 420/34 of the Indian Penal Code.

3. Allegedly on 13.07.2010, accused Most. Laxmi Kunwar sold a piece of land to the petitioner no. 1 through registered sale deed. It is further alleged that all the accused persons, including the petitioners, thereupon came with various



arms and weapons and took possession of the land.

4. Learned counsel appearing on behalf of the petitioners submits that the petitioner no. 1 is the *bona fide* purchaser of the said land and admittedly the land was registered in his name on 13.07.2010 itself but this complaint case has been instituted after a delay of 12 years. It is further submitted that so far the petitioner no. 2 is concerned he is only a name lender and there is no allegation against him. She next submits that the vendor, Most. Laxmi Kunwar is also co-sharer with the complainant and she has disposed off her own share to the petitioner no. 1 and others.

5. On the other hand, learned counsel for the State opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the matter appears to be predominantly civil in nature, that apart the sale in question took place on 13.07.2010 itself, coupled with the fair antecedent, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of



the like amount each to the satisfaction of the concerned Judicial Magistrate, 1st Class, East Champaran at Motihari in connection with Complaint Case No. 2054 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

Anjani/-

U		T	
---	--	---	--

