

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39164 of 2023

Arising Out of PS. Case No.-88 Year-2020 Thana- SUGAULI District- East Champaran

1. RINKI DEVI Wife of Late Sonalal Sah Resident of village - Chhapra Bahas, P.S. - Sugauli, Distt. - East Champaran
2. VIKASH KUMAR Son of Late Ramrit Sah Resident of village - Sainagar, P.S. - Motihari Muffasil, Distt. - East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. AMIT KUMAR SINHA Son of Arya Kumar Sinha Resident of village - Chhapra Bahas, P.S. - Sugauli, Distt. - East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III
For the Opposite Party/s : Mr. Arvind Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 10-10-2023 Heard the parties.

2. Despite valid service of notice, nobody appears on behalf of the O.P. No.2.

3. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 379, 406, 420 and other allied Sections of the Indian Penal Code.

4. Allegedly, the informant entered into an agreement to purchase land of the petitioner no.1 for a consideration amount of Rs.20 lakh. The petitioners went to the informant and received Rs.1,00,000/- as advance. It is alleged that when the informant went on the land for taking measurement, then the



petitioners and other persons came there and forbade him to make measurement as a result of which an altercation took place. The petitioners threatened the informant that they will neither execute the sale deed in his favour and nor return the advance money and if he will make demand, he will be killed.

5. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is no specific overt act against the petitioners. He further submits that the O.P. No.2 has not enclosed any agreement along with the FIR. There is a land dispute between the parties. Petitioners have no criminal antecedent.

6. Learned APP for the State opposed the prayer for anticipatory bail.

7. Having regard to the facts and circumstances of the case as there is a civil nature of 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 court below where the case is pending/Successor Court in connection with Sugauli P.S. Case No.88 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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