

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40722 of 2023

Arising Out of PS. Case No.-131 Year-2022 Thana- SATHI District- West Champaran

1. SUKAI BIN son of Late Muneshwar Bin Village- Dhobani Ps- Sathi Dist- West Champaran
2. Ajay Kumar son of Sukai Bin Village- Dhobani Ps- Sathi Dist- West Champaran
3. Bhuwan Ram son of Late Ganesh Ram Village- Dhobani Ps- Sathi Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anant Kumar Mishra, Advocate
For the Opposite Party/s	:	Mr. Umanath Mishra, APP
For the Informant	:	Mr. Shiv Kumar Dwivedy, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 03-08-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State along with learned counsel for the informant.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 420, 467, 468, 471, 386, 504, 506, 120(B) and 34 of the Indian Penal Code.
3. Learned counsel for the petitioners submits that the petitioner no. 1 has antecedent of four cases and petitioner nos. 2 and 3 have antecedent of one case.



4. The informant alleges that his father has purchased land as detailed in the FIR from petitioner no. 1, thereafter, when the informant initiated the process of mutation, he came to know that the said land belongs to one Sudha Kumari, thus alleges that petitioners executed sale deed on based of forged documents and when the informant and his father complained about the forgery, the petitioners threatened them and further demanded Rs. 5 Lacs by way of extortion.

5. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, it is next submitted that petitioner no. 1 never sold his land to the father of the informant, it is next submitted that the land was sold to Sudha Kumari by way of a registered sale deed. It is also submitted that in the event if the informant is aggrieved by what he alleges in the FIR, then he has remedies available in law by approaching a court of competent civil jurisdiction. It is next submitted that petitioner nos. 2 and 3 have been implicated in the case being a witness and identifier on the sale deed executed by the petitioner no. 1 in favour of Sudha Kumari.



6. Learned A.P.P. for the State along with learned counsel for the informant opposes the prayer for anticipatory bail of the petitioners, but are not in a position to rebut the submissions made by the learned counsel for the petitioners that the dispute is civil for which the informant has remedies available in law of approaching the Court of competent civil jurisdiction.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Sathi P.S. Case No. 131 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. The learned Trial Court before accepting the bail bonds of the petitioners shall verify their criminal antecedent and in the event if it is found that petitioner no. 1



has more than 4 antecedent and petitioner nos. 2 and 3 have more than one antecedent, then in that event the present anticipatory bail order shall not be given effect to, as it has been submitted by the learned counsel for the complainant that the petitioners by concealing their criminal antecedent have approached this Court, as such, the petitioners have not approached the Court with clean hands.

(Satyavrat Verma, J)

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