

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47226 of 2023

Arising Out of PS. Case No.-213 Year-2023 Thana- TEKARI District- Gaya

1. Dilip Kumar, Son of Late Mr. Paras Nath Sharma, Residing at village - Guljana, P.S.- Tekari, District - Gaya.
2. Jitendra Kumar, Son of Late Mr. Paras Nath Sharma, Residing at village - Guljana, P.S.- Tekari, District - Gaya.
3. Nagendra Kumar, Son of Late Mr. Paras Nath Sharma, Residing at village - Guljana, P.S.- Tekari, District - Gaya.
4. Shailendra Kumar, Son of Late Mr. Paras Nath Sharma, Residing at village - Guljana, P.S.- Tekari, District - Gaya.
5. Raju Kumar Sinha @ Raj Kumar Sinha, Son of Raghuvansh Prasad, R/o Andarkila, P.S.- Tekari, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amritya Raj, Adv.
For the Opposite Party/s : Mr. Bharat Lal, APP
For the Informant :

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 06-09-2023 1. Heard learned counsel for the petitioners and learned APP for the State.
2. The petitioners apprehend their arrest in connection with Tekari P.S. Case No. 213 of 2023 dated 01.04.2023 registered for the offences punishable under Sections 420, 406, 467, 468 and 471 of the Indian Penal Code.
3. The main submissions advanced by learned counsel for the petitioners are that the petitioners have fair and clean antecedent and in view of the nature of allegation levelled



in the FIR as well as in the light of the principles laid down by the Hon'ble Apex Court in **Md. Ibrahim and Ors. vs. State of Bihar and Ors.** reported in (2009) 3 SCC (Cri) 929, the alleged offences of Sections 420, 406, 468 and 471 of the IPC are not made out in the present matter. It is further submitted that the petitioner nos. 1, 2, 3 and 4, who are cousin brothers of the informant, bonafidely purchased the land in question from own brothers of the informant regarding which there is no dispute and there is also no dispute regarding the land in question being ancestral property of the informant and his brothers who sold the same to the petitioner nos. 1, 2, 3 and 4. It is further submitted that the petitioner no. 5 is a deed writer, who bonafidely discharged his work in respect of scribing of the deed.

4. Learned counsel for the informant has opposed the prayer for bail and submitted that the co-accused persons had sold the share of the informant illegally with malafide intention to the petitioner nos. 1 - 4, who purchased the land in question despite having the knowledge that in the said land, the co-accused persons had no separate title.

5. Learned APP for the State has also opposed the bail prayer of the petitioners.



6. Considering the facts and circumstances of this case and mainly the nature of allegation and also, the facts, that the petitioners have fair and clean antecedent and petitioner nos. 1, 2, 3 and 4 are stated to be the purchasers of the land in question and petitioner no. 5 is stated to be the deed writer of the alleged deed, I am inclined to grant anticipatory bail to the petitioners. Accordingly, let the petitioners named-above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount to the satisfaction of the Court concerned in connection with Tekari P.S. Case No. 213 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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