

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51030 of 2023

Arising Out of PS. Case No.-634 Year-2022 Thana- GANDHIMAIDAN District- Patna

1. LAL BIHARI RAI S/O LATE JAI KISHUN RAI @ JAI KISHUN R/O MUHALLA- YARPUR JANTA ROAD, P.S.- GARDANIBAG, DISTRICT- PATNA
2. UPENDRA KUMAR S/O SHRI DUKHAN RAI R/O MUHALLA- YARPUR YOGIYA TOLI, P.S.- GARDANIBAG, DISTRICT- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kr Singh No.1, Advocate
For the Opposite Party/s : Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 19-08-2023 1. Heard the learned counsel for the petitioners and the learned A.P.P. for the State.
2. This is an application for grant of anticipatory bail in connection with Gandhi Maidan PS case no. 634 of 2022, registered for the offences punishable under Sections 406, 420, 506/34 of the Indian Penal Code.
3. The case of the prosecution in brief, according to the informant, is that his deceased father had distributed his property amongst his five sons, whereafter all the brothers had taken possession of their respective shares in the property in question, however, the elder brother of the informant namely Braj Kishore Sinha has circumspectly sold 10 dhurs of the land



in question to the petitioners and one another person.

4. The learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case. The petitioners are stated to be accused in one another case but they are on bail in the said case. The learned counsel for the petitioners has further submitted that the petitioners are innocent purchasers, hence they are not having any complicity in the matter.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioners are innocent purchasers of the land in question apart from the fact that they have not been alleged to have engaged in any sort of fraudulent act, I deem it fit and appropriate to admit the petitioners to the privilege of anticipatory bail.

7. Accordingly, the abovenamed petitioners, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory



bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned court of S.D.J.M. Patna in connection with Gandhi Maidan PS case no. 634 of 2022, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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