

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48088 of 2023

Arising Out of PS. Case No.-188 Year-2023 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. SHYAM BABU RAI S/O GANESHI RAY R/O VILLAGE- TAL DASHRAHA, PS. MUFFASIL, DIST. SAMASTIPUR
 2. RAM BABU RAI S/O GANESHI RAY R/O VILLAGE- TAL DASHRAHA, PS. MUFFASIL, DIST. SAMASTIPUR
 3. DHEERAJ KUMAR MISHRA S/O VIPIN MISHRA R/O VILLAGE- KAINJIYA VISHANPUR, PS. TAJPUR (VAINI O.P.), DIST. SAMASTIPUR
 4. DILIP KUMAR MISHRA @ DILIP KUMAR S/O UMA SHANKAR MISHRA R/O VILLAGE- KAINJIYA VISHANPUR, PS. TAJPUR (VAINI O.P.), DIST. SAMASTIPUR
 5. AVINASH KUMAR S/O ARUN KUMAR MISHRA R/O VILLAGE- KAINJIYA VISHANPUR, PS. TAJPUR (VAINI O.P.), DIST. SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Jitendra Narain Sinha, Advocate.
For the Opposite Party/s :	Mr. Shyam Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-08-2023 Heard Mr. Jitendra Narain Sinha, learned counsel for

the petitioners and Mr. Shyam Kumar Singh, learned Additional

Public Prosecutor appearing for the State.

2. Petitioners apprehend their arrest in connection
with Samastipur Muffasil P.S. Case No. 188 of 2023 dated
16.3.2023 registered for the offence punishable under Sections
420, 467, 468, 471, 323, 504, 506/34 of the Indian Penal Code
and Section 27 of the Arms Act.



3. As per the First Information Report the allegation is that the petitioners in connivance with each other executed a sale deed on 6.3.2023 pertaining to 2 *Dhoors* of land belonging to the informant which was purchased by the father and uncle of the informant in 1976 from Chandrika Prasad Mishra and Shiv Shankar Prasad Mishra.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case on the basis of fact that the petitioners have sold the land belonging to the informant but the fact of the matter is that the petitioners are descendants of Shiv Shankar Prasad Mishra from whom the informant's father and the uncle had purchased the land. The petitioners have sold the remaining land in same *Khata* and *Khesra* being the grand-son of Shiv Shankar Mishra.

5. On the other hand Mr. Subesh Pandey, learned counsel for the informant opposes the prayer for bail and submits that the petitioners in conspiracy with each other have sold the same land which was purchased by the father and the uncle of the informant and not the different land.

6. Regards being had to the submission made by the parties and taking into consideration the nature of allegation and the fact that the allegations against the petitioners are based



upon the document for which custodial interrogation may not be required, I am inclined to grant anticipatory bail to the petitioner.

7. Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioners, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur, in connection with Samastipur Muffasil P.S. Case No. 188 of 2023 subject to the condition that the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled and further condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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