

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50627 of 2022

Arising Out of PS. Case No.-21 Year-2022 Thana- BAGHA District- West Champaran

1. UMESH SHARMA Son of Late Vindeshwari Sharma R/O Village - Matiyariya, Machhargawa, P.S.- Bagaha, District - West Champaran.
2. Kamlesh Kushwaha Son of Bhola Prasad R/O Village - Kaimabandh, Matiyariya, Machhargawa, P.S.- Bagaha, District - West Champaran.
3. Ramakant Prasad Yadav @ Ramakant Yadav Son of Late Jog Yadav R/O Village - Sikatiya Machhargawa, P.S.- Bagaha, District - West Champaran.
4. Subhan Yadav @ Sugan Yadav @ Dharamdeo Yadav Son of Late Jog Yadav R/O Village - Sikatiya Machhargawa, P.S.- Bagaha, District - West Champaran
5. Vishal Yadav Son of Late Jog Yadav Permanent Address At Village - Sikatiya Machhargawa, P.S.- Bagaha, District - West Champaran. Present Address At Village - Narainapur, Ward No.- 8, P.S.- Pathkhauli, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanju Singh, Advocate
For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

8 24-05-2023 Heard the learned counsel for the petitioners and
the learned A.P.P. for the State.

This is an application for grant of anticipatory bail
in connection with Bagaha PS case no. 21 of 2022, registered
for the offences punishable under Sections 420, 467, 468, 471,
472, 504, 506/34 of the Indian Penal Code.

The accusation is regarding the petitioner no. 1
having sold the disputed land in question to the petitioners no. 3



to 5, by a registered sale deed and the petitioner no. 2 is stated to be a witness to the same, however, it is alleged that the said land does not belong to the petitioner no. 1 and on the contrary is stated to be in possession of the informant.

The learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in the present case. The learned counsel for the petitioners has further submitted that at best, the allegation levelled against the petitioners can be said to be a dispute in the nature of civil dispute and the remedy of the informant lies before the learned civil court. It is also submitted that in case, the informant is sanguine regarding his claim, he can file appropriate suit before a civil court of competent jurisdiction for annulment of the sale deed in question, however, no criminal offence is made out.

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

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 allegations levelled in the present case is purely in the nature of a civil dispute, for which the remedy lies before the learned civil court of



competent jurisdiction, I deem it fit and appropriate to admit the petitioners to the privilege of anticipatory bail.

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 A.C.J.M. 1st class, Bagaha, West Champaran in connection with Bagaha PS case no. 21 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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