

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52772 of 2023

Arising Out of PS. Case No.-257 Year-2022 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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1. Vijay Mahto Son of Late Mahavir Mahto Resident of Mohalla- Sundarpur Bagh Chowk, PS- L.N.M.U University, Dist- Darbhanga
 2. Nikhil Kumar Nayak Son Of Late Anil Kumar Nayak Resident of Mohalla- Ruhelaganj, Ps- L.N.M.U University, Dist- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ram Narayan Kharga Son of Late Raghunath Kharga Resident of Mohalla- Sundarpur , PS- L.N.M.U University, Dist- Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Rajeev, Adv.
For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-08-2023 Heard Mr. Kumar Rajeev, learned counsel for the
petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with L.N.M. University P.S. Case No. 257 of 2022 registered for the offences punishable under Sections 420, 467, 471, 504 and 506/34 of the Indian Penal Code.

3. Having purchased nine katha of land along with a *pucca* house, the informant has been coming in peaceful possession over the land in question, however, on 20.07.2022, while the informant and his family members started constructing over the said land, the co-accused Ramashish Yadav and others



came on the land and started abusing and assaulting him. On inquiry, the informant came to know that his niece Pushpa Devi sold his land in favour of co-accused Satnarayan Mandal, Ramashish Yadav, Manoj Mandal and Vinod Mahto in collusion with these two petitioners.

4. Learned counsel for the petitioners submits that from the narration of the FIR, it is evident that the land was sold by the niece of the informant in favour of four other persons and the petitioners are said to be only witness to the sale deed. He further submits that even as per the FIR, no case is made out, much less, under Sections 420, 467 and 471 of the Indian Penal Code. He next submits that the petitioners are persons of fair antecedent and they undertake that they will fully cooperate in the investigation/trial.

5. On the other hand, learned counsel for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioners have only played the role of witness to the sale deed, that apart the material available on record suggests that the dispute is predominately civil in nature, let the above named petitioners, be released on bail, in the event of their arrest or surrender



before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VIII, Darbhanga in connection with L.N.M. University P.S. Case No. 257 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C., with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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