

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58913 of 2023

Arising Out of PS. Case No.-2 Year-2016 Thana- CIVIL LINE District- Gaya

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1. Safalta Devi Wife Of Late Satyanand Kumar Resident Of Village- Korap, P.S.- Anti, District- Gaya.
 2. Laxshuman Sharma Son Of Late Dudhan Sharma Resident Of Village- Woob, P.S. Obra, District- Aurangabad (BIHAR)
 3. Dharendra Kumar Son Of Ramji Sharma Resident Of Village- Woob, P.S. Obra, District- Aurangabad (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar Singh, Adv.
For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-09-2023 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 467, 468, 471, 420 & 34 of the Indian Penal Code.

3. As per the prosecution, the FIR has been lodged against 33 named accused persons including the present petitioners. As per the F.I.R., the petitioners are purchaser of the said land against whom the informant has filed an F.I.R. stating therein that the land in question which was purchased by the petitioners had actually been purchased by his younger brother

on 03.08.1989 mutation was also made in the name of his brother, but the land of his brother has been executed by creating forge and fabricated deed in favour of the petitioners with the help of other accused persons. Counsel further submits that they have purchased this land upon payment of money.

4. Counsel for the petitioners further submits that the alleged owner has not filed the criminal case rather on his instance, the informant has filed this case. Counsel further submits that the petitioners have filed a Title Suit No. 338 of 2023 by virtue of declaration of title on the lands in question about which description has been made in the F.I.R. and in the said title suit, the owner of the property, namely Gulam Mohiuddin is defendant no.1.

5. Counsel further submits that the petitioners have committed no fraud and for the said purchase, they have deposited money and then only land has been executed in their favour.

6. Counsel also submits that antecedent of the petitioners are clean.

7. Learned APP for the State opposes the prayer for bail, but submits that there is a Title Suit No. 338 of 2023 pending between the petitioners and the original owner which is

Annexure-2 of this petition.

8. In the present facts and circumstances, let the above named petitioners be released on bail, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand Only) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate- 1st Class, Gaya, in connection with Civil Lines P. S. Case No.02 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

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