

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11982 of 2021

Arising Out of PS. Case No.-135 Year-2020 Thana- MOTIHARI TOWN District- East
Champaran

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1. Daya Shankar Yadav Son of Late Bhagwan Rai R/o Village- Gariba, P.S.- Kalyanpur, Dist.- East Champaran.
 2. Maya Shankar Yadav Son of Late Bhagwan Rai R/o Village- Gariba, P.S.- Kalyanpur, Dist.- East Champaran.
 3. Kameshwar Prasad Singh Son of Braj Narayan Singh R/o Village- Gariba, P.S.- Kalyanpur, Dist.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Kaushalendra Kumar Yadav S/o Late Ramlochan Prasad Yadav Village- Gariba, P.S. Kalyanpur Dist. East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Pramod Kumar, Advocate
For the State	:	Mr. Nagendra Prasad, APP
For O.P. No.2	:	Mr. Madhurendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 17-07-2023 Heard learned counsel for the parties.

2. Petitioners apprehend their arrest in connection with Motihari Town P.S. Case No.135 of 2020, registered for the offence punishable under Sections 420, 120(B) and 34 of the Indian Penal Code.

3. As per averment of the FIR, the case of the prosecution is that the informant has filed a petition before S.H.O., Motihari Town P.S. stating therein that he was patient of Neuro Psychiatry from before and was under treatment since 2013. On 06.03.2017, the petitioners alongwith co-accused, Brij



Bihari Tiwary with criminal conspiracy brought the informant to Registry Office, Motihari and they got executed sale deed from the informant in his unhealthy condition and thereafter they became silent because at that time father of the informant was alive. After death of father of the informant, petitioners, Daya Shankar Yadav and Maya Shankar Yadav came at the door of the informant and said that they got registered homestead land, so the informant will vacate his house. On this, the informant went to Registry Office, Motihari and obtained the sale deed and he came to know that petitioner, Daya Shankar Yadav and Maya Shankar Yadav got registered the homestead land of the informant in their names, on which petitioner, Kameshwar Prasad Singh is identifier and Brij Bihari Tiwary is a witness.

4. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in the present case. The petitioners have got no criminal antecedent as stated in paragraph-3 of the bail petition. It is further submitted that the petitioners had purchased the said land in the year 2017, but after three years the informant filed the present FIR against the petitioners stating therein that informant was not well. It is also submitted that the dispute between the parties is purely civil in nature.



5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for grant of anticipatory bail to the petitioners by submitting that after purchasing the land, the petitioners have not taken possession of the said land.

6. Taking into consideration the facts aforesaid, let petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Motihari Town P.S. Case No.135 of 2020, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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