

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56951 of 2023

Arising Out of PS. Case No.-909 Year-2022 Thana- MOTIHARI TOWN District- East
Champaran

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1. Ranjeet Sharma S/O- Late Ramdeo Sharma Village- Baswariya Sharma Tola PS- Turkauliya Dist- East Champaran
 2. Sudish Paswan S/O- Sita Paswan Village- Baswariya Sharma Tola PS- Turkauliya Dist- East Champaran
 3. Chunnu Paswan S/O- Jai Lal Paswan Village- Baswariya Tola PS- Turkauliya Dist- East Champaran
 4. Shambhu Sah S/O- Vishnu Sah Village- Baswariya Tola PS- Turkauliya Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar, Adv.

For the Opposite Party/s : Dr. Mrityunjaya Kr. Gautam, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-08-2023 Heard Mr. Madhurendra Kumar, learned counsel appearing on behalf of the petitioners and Dr. Mrityunjaya Kumar Gautam, learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Motihari Town P.S. Case No. 909 of 2022, G.R. Case No. 7300 of 2022, registered for the offences punishable under Sections 406, 420, 467, 468, 120(B) of the Indian Penal Code.

3. Allegedly, the informant had purchased a land measuring 1 *katha* 19 *dhurs* from Samim Ahmad Khan in the year 1983 through a registered sale deed. It is further alleged that the informant has been in peaceful possession of the said land, in the meantime, the petitioner no. 1, in collusion with



other co-accused persons, sold 6 decimals of land, out of the area of 1 *katha* 19 *dhurs*, to the petitioner no. 2 for the consideration amount of Rs.8,40,000/- It is also alleged that the petitioners no. 3 and 4 are witness and identifier of the sale deed in question.

4. Learned counsel appearing on behalf of the petitioners submits that the petitioner no. 1 happens to be nephew of the informant and in fact the land in question was purchased in the name of the father of the petitioner no. 1 and he being *bona fide* owner of the land had executed the sale deed in favour of the petitioner no. 2. He further submits that the sale deed in question has already put to challenge by filing Title Suit No. 368 of 2019, which is pending consideration before the learned Sub-Judge, Motihari, East Champaran. He next submits that the informant is none-else but the uncle of the petitioner no. 1 and only with a view to wreak vengeance, the present complaint case has been filed which was later on sent to the concerned Police Station under Section 156(3) of the Cr.P.C. and accordingly, the present FIR. He lastly submits that the petitioners no.1, 3 and 4 are men of fair antecedent. So far petitioner no. 2 is concerned, who is the purchaser of the land in question, is carrying two criminal antecedents.



5. On the other hand, learned counsel for the State opposed the bail application and submits that the land has been sold by the petitioner no. 1 knowing very well that he is not the absolute owner of the land in question.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of accusation, which is predominantly civil in nature and for resolving the dispute a Title Suit is pending between the parties and the petitioners no. 3 and 4 are only witness and identifier, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Motihari Town P.S. Case No. 909 of 2022, G.R. Case No. 7300 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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