

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56655 of 2022

Arising Out of PS. Case No.-54 Year-2022 Thana- GOPALGANJ TOWN District- Gopalganj

1. GORAKH MAHATO SON OF DEVRAJ MAHATO R/O VILLAGE-BIJAYPUR, P.S.- BISHWAMBHARPUR, DISTT.- GOPALGANJ
2. CHANDRAMA MAHATO SON OF BHOLA MAHATO R/O VILLAGE-BIJAYPUR, P.S.- BISHWAMBHARPUR, DISTT.- GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikram Deo Singh, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 30-01-2023 Heard Mr. Vikram Deo Singh, learned counsel for the petitioners, Mr. Ajay Kumar Singh, learned counsel for the informant and learned APP for the State.

The petitioners apprehend their arrest in connection with Gopalganj P.S. Case No. 54 of 2022 for the offence registered under Sections 420, 467, 468, 471 and 34 of the Indian Penal Code.

As per the prosecution story, the grand-father of the informant, Raghunandan Mahato had got a piece of land but on the basis of forged and fabricated document, the petitioners herein got the same executed in their favour and accordingly, the FIR was lodged.



Learned counsel for the petitioners submit that they have purchased the land from one, Shubhash Bhagat, who claimed that it was settled in his favour by the ancestors of the informant herein. His further submission is that it is ironical that the said Shubhash Bhagat, who sold the land to the petitioners herein have not been even made accused. The last contention is that he do not have criminal antecedent.

Learned counsel for the informant, on the other hand, submits that on the basis of the said sale deed, now they are asking for Rs. 5 lakhs.

To the said contention put forward by the learned counsel for the informant, in reply, learned counsel for the petitioners submit that it was a fair conversation between the parties that they have paid an amount for the land and if the same is returned, he is ready to execute sale deed in their favour.

Taking into account the kind of averment that has come and the petitioners are purchaser of the said land, do not have criminal antecedent the seller has not been made accused, this Court is inclined to grant them privilege of anticipatory bail.

Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of



Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in connection with Gopalganj Town P.S. Case No. 54 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Jagdish/Neha/-

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