

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60986 of 2023

Arising Out of PS. Case No.-347 Year-2022 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. Rajiya Devi W/O Ram Bhawan Rai Ro Village- Mokhtiyarpur, Salkhani Tola Babupur, P.S- Dalsinghsarai, Distt.- Samastipur.
 2. Rajni Kant Sureka @ Rajani Kant Sureka S/O Late Sri Niwas Sureka R/O Village- Bhagwanpur, Chakshekhu, P.S- Dalsinghsarai, Distt.- Samastipur. Presently Residing At White House Apartment, Flat No. 404-B, Budh Marg, Behind Bihar Land Development Bank., P.S- Kotwali, Distt.- Patna.
 3. Janardan Rai S/O Bhagwat Rai R/O Village- Babupur Salkhani, P.S- Dalsinghsarai, Distt.- Samastipur.
 4. Ramchandra Singh S/O Raghunandan Singh R/O Village- Malpur, P.S- Dalsinghsarai, Distt.- Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Jai Prakash Rai S/O Late Moti Rai R/O Village- Babupur Salkhani, Ward No. 14, Mokhtiyarpur, P.S- Dalsinghsarai, Distt.- Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhubneshwar Prasad, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
complaint case no. 347 of 2022, T.R. No. 1722 of 2023,
instituted for the offence punishable under Sections 467, 468,
471, 120-B of the Indian Penal Code.

3. The prosecution case, in short, is that one Rajnikant
Sureka in conspiracy with other accused persons sold the



Khatiyani land of the complainant to one Rajiya Devi.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that petitioner no. 1 is the purchaser of the land, in question, and petitioner no. 2 is the vendor of the petitioner no. 1. Petitioner nos. 3 and 4 are witnesses of the sale deed. Learned counsel further submitted that petitioner no. 2 namely Rajnikant Surekha belong to Sureka family, who were land holders, which was situated in different towns and the land in question, was fallen in the share of said Rajnikant Surekha. So the said Rajnikant Surekha executed a sale deed in favour of Rajiya Devi, petitioner no. 1 and another sale deed was also executed in favour of brother of the said complainant namely, Ramudgar Rai and both sale deeds have been executed on the same day i.e on 23.05.2022. Complainant has no objection with regard to the sale deed in favour of Ramudgar Rai. It is submitted that the land in question is the ancestral property of petitioner no. 2. As per Khatiyani, the land was allotted in favour of the said Rajnikant Sureka. So, the said petitioner no. 2 came in peaceful possession of the said land and got right title and interest of the said land. It is further submitted that the allegation against the petitioners is of the civil dispute



and it is submitted that the complainant has also filed Title Suit No. 155 of 2022 before the court of Learned Civil Judge Senior Division No. 1, Dalsinghsarai and the same is pending before the learned court below. Lastly, it has been submitted that the petitioners have no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with complaint case no. 347 of 2022, T.R. No. 1722 of 2023, they shall be released on anticipatory bail 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 Judicial Magistrate, 1st Class, Dalsinghsarai, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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