

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58482 of 2023

Arising Out of PS. Case No.-190 Year-2023 Thana- CHANPATIA District- West Champaran

1. Premchand Prasad, S/O Narsingh Mahto, R/O Village- Tikulia, Ps. Chanpatia, Dist. West Champaran
2. Madhav Prasad, S/O Gopal Mahto, R/O Village- Tikulia, Ps. Chanpatia, Dist. West Champaran
3. Tamanna Praveen, W/O Raseed Alam, R/O Mohalla- Lalu Nagar, Ps. Bettiah Town, Dist. West Champaran
4. Roushan Ara, W/O Abulaish R/O, Mohalla- Lalu Nagar, Ps. Bettiah Town, Dist. West Champaran
5. Shaheen Ara Khatoon, W/O Tarik Anwar, Resident Of Ward No. 9, Ps. Chanpatia, Dist. West Champaran
6. Robina Khatoon @ Mobina Khatoon, W/O Dileshar Ali, R/O Village- Bankat Puraina, Ward No. 5, Ps. Chanpatia, Dist. West Champaran
7. Sarvari Khatoon, W/O Washi Ahmad, R/O Village- Bankat Puraina, Ward No. 5, Ps. Chanpatia, Dist. West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Sharma, Advocate

For the State : Mr.Sunil Kumar Pandey, APP

For the informant : Mr. Ram Kishun Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 13-09-2023 Heard learned Counsel for the petitioners and learned
APP for the State.



2. The petitioners are apprehending arrest in connection with Chanpatia P.S. Case No.190 of 2023 registered on 02.04.2023 for the offences punishable under Sections 341, 323, 327, 385, 420, 467, 468, 120B/34, 504 and 506 of the Indian Penal Code.

3. As per the prosecution, it is alleged that all the accused persons, including the petitioners, have purchased a certain piece of land through a registered sale deed on payment of Rs.3,78,00,000/- to the grandsons and daughters of the *khatiyani raiyat*. According to the informant, the sale of the land had been facilitated under a criminal conspiracy by the petitioners, as the said land had already been sold to one Mahesh Shah through whom the informants are claiming title over the said property.

3. It is submitted by learned counsel for the petitioners that as per the allegation levelled in the FIR, it became crystal clear that the cause of the dispute is a registered sale deed through which a particular piece of land has been purchased, in which the petitioners are not the person who has received the amount but rather the person who paid the amount. Learned counsel for the petitioners further submits that the antecedents of the petitioners are clean, and in case the informant is of the



opinion that this transaction is bad, then in that case, he already has a remedy available by challenging the sale deed if acted upon.

4. The learned APP for the State opposes the prayer for bail of the petitioners and submits that from the entire allegation levelled in the FIR, it transpires that the dispute is purely civil in nature.

5. Learned counsel for the informant vehemently opposes the prayer for bail of the petitioners and submits that the land in question was sold in favour of Mahesh Shah but the grandsons and daughters of the vendor Mahesh Shah (*khatiyani raiyat*) sold the said land to the petitioners through a registered sale deed by accepting Rs.3,78,00,000/-.

6. Considering the fact that the dispute is purely civil in nature and the informant has the remedy to challenge the sale deed for its cancellation before the Civil Court having jurisdiction, let the above-named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing a bail bond of ₹30000/- (thirty thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, West Champaran, Bettiah in



connection with Chanpatia P.S. Case No.190 of 2023, subject to
the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J)

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