

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62080 of 2022

Arising Out of PS. Case No.-14 Year-2014 Thana- MOTIHARI TOWN District- East
Champaran

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1. RAM DHURV PRASAD, S/O Badri Prasad, R/v- Dhekaha, P.S.-
PipraKothi, District- East Champaran, Motihari
 2. SANJAY PRASAD, S/o Dhurv Prasad, R/v- Dhekaha, P.S.- PipraKothi,
District- East Champaran, Motihari
 3. SHIV CHANDRA SINGH, S/o Late Dsai Prasad, R/v- Dhekaha, P.S.-
PipraKothi, District- East Champaran, Motihari

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr.Rajesh Kumar, Advocate
For the State	:	Mr.Mohammad Sufyan, APP
For the Informant	:	Mr.Bal Govind Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-02-2023 Heard learned counsel for the petitioners and learned
counsel for the informant as well as learned APP for the State.

The petitioners seek bail in connection with Town P.S.
Case No. 14 of 2014 registered for the offence punishable under
Sections 323, 341, 420, 406, 467, 468, 120(B), 504 and 34 of the
Indian Penal Code.

The foundation of the complaint petition, leading to
lodging of the FIR, is execution of a gift deed by petitioner no. 1 in
favour of his two sons, which has been ratified by petitioner no. 3 as
a witness.

Learned counsel for the petitioners submits that the



complainant is claiming title of the same lands for which a Partition Suit No. 79 of 2015 is pending between the parties. For coercing the petitioners to comply to their terms in the partition suit, the Complaint Petition No. 2762 of 2013 has been filed alleging cheating in the execution of a gift deed of 2005. It is predominantly a dispute of civil nature and, therefore, resort to the criminal proceedings is for extraneous considerations. Petitioners, having no antecedents, are in custody since 08.09.2022. Moreover, investigation is also complete.

Learned counsel for the complainant and learned APP for the State have opposed the prayer for bail. It is stated that by mentioning wrong recitals in the gift deed, the petitioner has dealt with the lands which actually belong to the complainant.

Considering the rival submissions, nature of allegation, period of custody of the petitioners, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel.

Prayer for bail of the petitioners is allowed.

Let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Motihari, East Champaran, in connection with Town P. S. Case No. 14 of 2014, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the



petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii)That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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