

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65421 of 2023

Arising Out of PS. Case No.-573 Year-2020 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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1. Dipu Kumar, aged about 31 years, Male, Son of Laxmi Chandra Prasad, R/o vill - Tunia, Bishunpur Kurmi Tola, Laptahi, P.S .- Bairiya, Distt. - West Champaran.
 2. Subhash Chandra Prasad, aged about 58 years, Male, Son of Late Dwarika Prasad, R/o vill - Tunia, Bishunpur Kurmi Tola, Laptahi, P.S .- Bairiya, Distt. - West Champaran.

... .. Petitioners

Versus

1. The State of Bihar.
2. Jhagaru Pandit, aged about 60 years, Male, Son of Late Chhathu Pandit, R/o Fatehpur, Badhai Tola, P.S. - Yogapatti, Distt. - West Champaran.

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr. Bimlesh Kumar Pandey, Advocate
For the State	:	Mr. Mukesh Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 08-11-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Complaint Case No. 573/2020 dated 17.08.2020 registered for the offence punishable under Sections 420, 467, 471 and 387 of the I.P.C.

4. As per the prosecution case, the complainant is an



illiterate person. The petitioners alongwith other co-accused persons, conspired to execute a false and fabricated sale deed on 13.03.2019 of a land pertaining to Plot No. 1013, having an area of 6 Kathas 10 dhurs. It has been further alleged that the petitioner no. 1, executed a sale deed with regard to 2 Kathas 5 dhurs of a land pertaining to Plot no. 1013 in favour of accused Rambabu Prasad, who used to threaten the complainant whenever the complainant went to the registry office for enquiry. The accused persons abused him and threatened to kill and oust him from the land.

5. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. It is submitted that the petitioner no. 1 has purchased 6 Kathas 10 dhurs land vide Sale Deed No. 5224 against consideration money of total Rs. 9,75,000/- besides payment of Rs. 2,34,000/- as government revenue and Rs. 59,300/- as registration cost. Thereafter, the relative of the complainant has executed a sale deed on 24.12.2019 in favour of one Praveen Kumar with regard to 9 Kathas 12 dhurs of land including the land of petitioner no. 1 for which the petitioner no.1 has filed a Title Suit No. 81/2020 before the learned Sub Judge-1st, Bettiah, West Champaran against Praveen Kumar and



11 others on 11.06.2020 and the petitioner no. 1 has also lodged Bettiah Muffasil P.S. Case No. 251/2020 on 02.05.2020 against Praveen Kumar under Sections 341, 323, 427, 379, 504 and 506/34 of the I.P.C. and as a counter blast of the same, Praveen Kumar has lodged Bettiah Muffasil (Manuapul) P.S. Case No. 357/2020 under Sections 341, 323, 447, 379, 504 and 506/34 of the I.P.C. against the petitioner no. 1. The petitioner no. 2 is an identifier of the Sale Deed No. 5224. It is a case of civil dispute. The petitioner no. 1 has one criminal antecedent and petitioner no. 2 has clean antecedent as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Bettiah, West Champaran in connection with Complaint Case No. 573/2020, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.



8. The application stands allowed.

(Chandra Prakash Singh, J)

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