

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68450 of 2023

Arising Out of PS. Case No.-356 Year-2022 Thana- DIGHWARA District- Saran

1. Srimati Shanti Devi @ Santi Devi, Wife of Late Paras Rai Resident Of Village - Saidpur Dighwara, P.S. - Dighwara, District - Saran, Chhapra
2. Nitish Raj Son of Braj Nandan Rai Resident Of Village - Saidpur Dighwara, P.S. - Dighwara, District - Saran, Chhapra

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Dighwara P.S. Case No. 356 of 2022 registered for the offences punishable under Sections 420, 467, 468, 471, 120B of the Indian Penal Code. They have got no criminal antecedent.

3. As per the prosecution story, the informant alleges that the accused Hari Mohan Mishra and Mukesh Mishra sold the land of the informant to these petitioners on the basis of forged and fabricated document.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this

case. It is submitted that the petitioners are the purchasers of the said land and the accused Hari Mohan Mishra and Mukesh Mishra claimed that the *jamabandi* of the land in question is in the name of their grandmother.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to the fact that the petitioners are the purchasers of the land from co-accused Hari Mohan Mishra and Mukesh Mishra who claimed that the *jamabandi* of the land in question stands in the name of their grandmother, in the nature of the allegations and the fact that the petitioners are the purchasers of the land, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail in connection with Dighwara P.S. Case No. 356 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their

criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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