

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4796 of 2023

Arising Out of PS. Case No.-184 Year-2016 Thana- SAMASTIPUR District- Samastipur

1. SHYAMBABU MISHRA S/o Late Kamlakant Mishra R/v- Morwa Dih, P.S.- Musrigharari, District- Samastipur
2. KRISHNA KANHAIYA MISHRA S/o Late Kamlakant Mishra R/v- Morwa Dih, P.S.- Musrigharari, District- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. RAGHVENDRA KUMAR JHA S/o Sri Saraswati Raman Jha R/v- Morwa Dih, P.S.- Musrigharari, District- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Mirtyunjay Kumar Mishra
For the Opposite Party/s :	Mr. Md. Aslam Ansari
	Mr. Sameer Ranjan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 10-07-2023 Heard learned counsel for the petitioners, learned counsel for the complainant/informant as well as learned APP for the State.

The petitioners apprehends their arrest in a case registered for the offence punishable under Sections 420, 467, 468, 471, 472/34 of the Indian Penal Code.

The allegation against the petitioners is that they, in conspiracy with other accused persons, fraudulently got a sale deed executed from the complainant.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence.



They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. It is submitted that the case is based on complaint petition and matter in dispute is related to civil nature. He further submits that whatever, may be, at the time of execution of sale deed the complainant accepted the money and also gave his consent for sale before the Registrar, but with a view to extort more money from the petitioners, he has filed this false case. Petitioner no.1 has no criminal antecedent whereas petitioner no.2 has one criminal antecedent.

Learned APP for the State as well as learned counsel for the O.P. No.2 opposed the prayer for anticipatory bail by submitting that there was talk for sale of land mentioned in Schedule I of the complaint petition, but the petitioners fraudulently inserted the land mentioned in Schedule II of the complaint petition on the sale deed.

Having regard to the facts and circumstances of the case as there is a civil dispute between the parties, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, 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 the learned court below where the case is pending/Successor Court in connection with Samastipur Town P.S. Case No.184 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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