

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72989 of 2023

Arising Out of PS. Case No.-752 Year-2022 Thana- MADHAURAH District- Saran

1. Sanjay Ray Son Of Swaminath Ray @ Swami Ray R/O Village- Sarai Baksh, P.S.- Bheldi, Dist.- Saran
2. Abhishek Kumar @ Abhishek Shrivastava Son Of Tarkeshwar Prasad @ Late Prem Shrivastava R/O Village- Raypura, P.S.- Bheldi, Dist.- Saran

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Rajesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 23-11-2023 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 a case in connection with Marhowrah P.S. Case No. 752 of 2022 dated 01.12.2022 registered for the offences punishable u/ss 341, 323, 406, 420, 467, 468, 504 and 506 read with section 34 of the Indian Penal Code.

4. As per the prosecution case, the co-accused Munna Kumar Sah, Parshuram Sah, Pritam Sah and Saraswati Devi are



alleged to have given thumb impression on the power of Attorney and has executed registered sale deed in favour of the petitioners fraudulently.

5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case due to land dispute. Learned counsel has further submitted that the petitioners are the purchasers of the said land. The petitioners have purchased the land after payment of consideration money to the real title holder of the land. Section 144 of the Cr. P.C. was initiated which was decided in favour of the petitioners. It is a case of civil dispute. The title suit no. 212 of 2020 is pending with regard to the said land. The petitioner no. 1 has no criminal antecedent and the petitioner no. 2 has two more criminal cases as stated at para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the bail petition 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 bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Saran at



Chapra in connection with Marhowrah P.S. Case No. 752 of 2022, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

8. This application stands allowed.

(Chandra Prakash Singh, J)

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