

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74703 of 2023

Arising Out of PS. Case No.-142 Year-2018 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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1. RAM UDESH YADAV Son of Late Rupan Yadav R/o vill - Harpur, Kala, P.s. - Biraul, Distt. - Darbhanga
 2. Kusheshwar Yadav Son of Late Rupan Yadav R/o vill - Harpur, Kala, P.s. - Biraul, Distt. - Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mushaharn Yadav Son of Late Sarovar R/o vill - Soharbagh, P.S. - Kusheshwer Asthan, Distt. - Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav with Mr. Ravi Prakash and Mr. Rajesh Kumar, Advocates
For the Opposite Party/s :		Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 02-12-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have prayed for regular bail in a case instituted for the offence under Sections 420, 467, 471, 120B of the IPC and learned Court below took cognizance under Section 420 of the IPC.

3. The allegation against the petitioners is of fraudulently sell land of six *dhur* which belongs to the complainant.

4. It is submitted by learned counsel for the petitioners



that petitioners have been falsely implicated in this case. They have committed no offence. He submitted that the as alleged land belongs to the petitioners, where on the basis of his executed sale-deed, mutation was also recorded in favour of purchaser after verifying the facts by Revenue Department. It was further pointed out that the matter purely arises out of civil disputes and the present criminal proceeding is only appearing abuse of criminal justice delivery system, where the fact of case is not suggesting any legal ingredients to established a, prima facie, case under Section 420 of the IPC. Petitioners have got no criminal antecedent as stated in para-3 of the bail petition. He submitted that the other co-accused has already been granted bail by a Co-ordinate Bench vide order dated 01.08.2023 passed in Cr. Misc. No. 46997 of 2023. He is languishing in judicial custody since 31.08.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand



only) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Benipur, Darbhanga in connection with Complaint Case P.S. Case No. 142 of 2018.

(Sunil Kumar Panwar, J)

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