

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72069 of 2022

Arising Out of PS. Case No.-448 Year-2022 Thana- BUXAR District- Buxar

1. UMRAWATI DEVI Wife of Jai Krishna Singh Resident of Mungashi, P.S.- Dumraon, District - Buxar.
2. Jai Krishna Singh Son of Late Ram Raj Singh Resident of Mungashi, P.S.- Dumraon, District - Buxar.
3. Lal Bahadur Paswan Son of Digri Paswan Resident of Attaon, P.S.- Dumraon, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mithilesh Kumar Upadhyay

For the Opposite Party/s : Mr.Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 09-02-2023 Heard learned counsel for the petitioners as well as the learned counsel for the informant.

The petitioners apprehend their arrest in connection with Buxar (Town) P.S. Case No. 448 of 2022, registered for the offences punishable under Sections 420, 467, 468, 471, 472, 120B of the Indian Penal Code.

The informant and mother of Lalita Devi, the vendor are agnates. As per averments made in the FIR there was partition between the informant and mother of Lalita Devi. Lalita Devi sold the land belonging to the informant in favour of petitioner No.1. Petitioner No. 3 is attesting witness and petitioner No. 2 is husband of petitioner No. 1.

Learned counsel for the petitioners has submitted that



the petitioner No. 1 is bona fide purchaser of the land sold by Lalita Devi. Moreover, it is a case of civil nature.

On the other hand, the learned counsel for the informant has opposed the prayer for bail and submitted that in deep conspiracy the petitioner No. 1 became successful in obtaining sale deed from a person who was not titleholder of the land. He has also submitted that under Section 82 of the Cr.P.C. has been issued.

Since the process under Section 82 of the Cr.P.C. has been issued in this case against the petitioners and in view of the decision reported in *(2014) 2 SCC 171, State of M.P. Vs. Pradeep Sharma*, the anticipatory bail petition is disposed of.

The petitioners are directed to surrender before the court below and make a prayer for regular bail, which shall be disposed of on the same day, without being prejudiced by this order. The learned court below shall take notice of the fact that the petitioner No. 1 is bona fide purchaser, petitioner No. 2 is husband of the petitioner No. 1 and petitioner No. 3 is attesting witness and they are the persons of clean antecedent.

(Nawneet Kumar Pandey, J)

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