

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72986 of 2022

Arising Out of PS. Case No.-466 Year-2022 Thana- DUMRAO District- Buxar

1. PIYUSH KUMAR SON OF PRABHU NATH SINGH R/O VILLAGE-
GOPAL DERA, P.S.- DUMRAON, DISTRICT- BUXAR
2. VIKASH KUMAR @ VIKASH KUMAR SINGH SON OF SRI AYODHYA
PRASAD SINGH R/O VILLAGE- DUMRAON, P.S.- DUMRAON,
DISTRICT- BUXAR
3. RANJEET KUMAR SINGH @ PRIT KUMAR YADAV SON OF SHYAM
LAL SINGH R/O VILLAGE- BARUNA, P.S.- BARUNA, DISTRICT-
BUXAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Saket Tiwary, Adv.
For the Opposite Party/s	:	Mr.Ajay Kumar Jha, APP.
		Mr. Akhilesh Kumar Pandey, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-03-2023 Heard the parties.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 467, 468, 471, 120(B), 420/34 of the Indian Penal Code.

Prosecution story, in brief, is that one Rajesh Tiwari has sold 77.3750 decimals land of Mouja-Dumraon & Bhojpur Kadeem, which details are mentioned in Typed Petition belong to informant Gyaneshwar Chaturvedi & his 02 brothers, and executed a forged & fabricated registered sale deed in favour of 04 named co-accused persons, by committing fraud in a criminal conspiracy with the association of rest co-accused persons named in the FIR, while



Rajesh Tiwari has no concern with any land.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. Petitioner nos. 1 & 2, namely, Piyush Kumar and Vikas Kumar Singh are purchasers of the said land whereas petitioner no. 3 is the witness to the sale deed. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is admitted land dispute between the parties. The real fact is that co-accused Rajesh Tiwari belongs to family of the informant and he executed Registered Sale deed to his shared land received through *Khangi Batwara*. Witnesses and identifier of said sale deed are genuine persons, and purchased land has also mutated. He further submits that the present case is a matter of civil nature. There is inordinate and abnormal delay of 13 days in lodging the present case without assigning any plausible and convincing reason for the said delay. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State as well as learned counsel for informant oppose the prayer for bail and submit that there is sufficient evidence in the case diary against the petitioners.

Considering the facts and circumstances of the case as well as the arguments of the parties, as there is 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 lower Court where the case is pending/successor Court in connection with Dumraon P.S. Case No.466 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Learned counsel for the informant submits that petitioner has criminal antecedent but it is not mentioned in this bail application.

Considering the submission of the learned counsel for the informant, learned Court below is directed to verify the criminal antecedent of the petitioners. If it is found that the petitioners have criminal antecedent, the bail bond of the petitioners will not be accepted by the learned court below.

(Anjani Kumar Sharan, J)

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