

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74069 of 2023

Arising Out of PS. Case No.-266 Year-2022 Thana- BAIRIYA District- West Champaran

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ASHOK MUKHIYA Madan Mukhiya R/o village- Baluwa Rampurwa, P.s.-
Bairiya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Brij Kishor Mishra, Advocate
For the Informant	:	Mr. Anant Kumar Mishra, Advocate
		Mr. Niraj Kumar Singh, Advocate
For the Opposite Party/s :		Mr. Ganesh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 07-12-2023 Learned counsel for the petitioner 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 petitioner and learned counsel for the informant as well as learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in a case in connection with Bairiya P.S. Case No. 266 of 2022 dated 13.09.2022 registered for the offence/s punishable u/ss 147, 148, 149, 323, 341, 380, 452, 467, 468, 471, 406 and 420 of the Indian Penal Code.

4. As per the prosecution case, the informant sold her



agriculture land to the petitioner but the petitioner fraudulently got homestead land executed by making forged document about the sale of her house and started dispossessing from her home. The accused persons including the petitioner armed with weapons came to her house, abused her and dragged her forcibly and threw the household articles outside the house.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. Learned counsel for the petitioner has further submitted that at the time of execution of the sale deed the informant agreed to give description of the building which was not given earlier in the said sale deed and the same was added in later part of the sale deed and for which she was also paid the amount of the building and asbestos room standing on the said land. Learned counsel has further submitted that on perusal of the permission granted for sale by the competent authority, it would appear that the informant had applied for selling homestead land. The matter is related to civil dispute. The petitioner is also accused in one more criminal case as stated at para 3 of the bail petition.

6. Learned learned counsel for the informant as well as learned Additional Public Prosecutor for the State has vehemently opposed the anticipatory bail petition of the



petitioner.

7. Considering the aforesaid facts and circumstances of the case , let the above named petitioner, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned court concerned, West Champaran, Bettiah in connection with Bairiya P.S. Case No. 266 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, with further condition/s:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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