

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74431 of 2022

Arising Out of PS. Case No.-385 Year-2022 Thana- MINAPUR District- Muzaffarpur

1. GARIVAN SAHNI Son of Lal Babu Sahni R/V- Chainpur, P.S- Minapur, Dist- Muzaffarpur
2. Veena Devi S/o Garivan Sahni R/V- Chainpur, P.S- Minapur, Dist- Muzaffarpur
3. Md. Badal @ Md. Habibullah Son of Ayub Ansari R/V- Chainpur, P.S- Minapur, Dist- Muzaffarpur
4. Md. Abdul Son of Ayub Ansari R/V- Chainpur, P.S- Minapur, Dist- Muzaffarpur
5. Zahida Khatoon @ Zaheda Khatoon Wife of Ayub Ansari R/V- Chainpur, P.S- Minapur, Dist- Muzaffarpur
6. Rubaida Khatoon Wife of not mentioned R/V- Chainpur, P.S- Minapur, Dist- Muzaffarpur
7. Sahabana Khatoon @ Shabana Khatoon wife of Not mentioned R/V- Chainpur, P.S- Minapur, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Alok Kumar Alok
For the Opposite Party/s :	Mr.Md. Mushtaque Alam
	Mrs.Bela Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 11-07-2023 Heard learned counsel for the parties.

The petitioners apprehend their arrest in a case registered for the offence under Sections 420, 467, 468, 341, 323, 504, 354(B)/34 of the Indian Penal Code.

It is alleged that petitioner no. 1, who is elder son of informant, showing him (informant) dead transferred his land in favour of his wife (petitioner no. 2), who later on, executed the said land in favour of Zahida Khatoon (petitioner no. 5). It is further alleged that all the accused persons including these



petitioners came to the aforesaid land and forcibly tried to fill up the land with soil. On being objected by informant, co-accused Ram Sahani ordered to kill him, upon which, co-accused Md. Abdullah with intent to kill, pressed his neck and when wife of informant came to save him, she was slapped and disrobbed.

It is submitted on behalf of petitioners that this case is out-and-out of a civil nature. Informant has three sons and there was partition among the sons of informant and each of them was given three *Bighas* of land. Petitioner no. 1, being elder son of informant, executed deed in favour of his wife (petitioner no. 2), which was in his share, and later on, due to financial problem, petitioner no. 2 executed sale deed of said land in favour of petitioner no. 5 and as such, no fraud was committed either by petitioner no. 1 or petitioner no. 2. It is further submitted that similarly situated seven co-accused persons have already been granted anticipatory bail by a coordinate Bench, vide order dated 21.04.2023 passed in Cr.Misc. No. 2550 of 2023. Petitioners have clean antecedent.

Learned A.P.P. for the State has opposed the bail petition.

Considering the nature of dispute and clean antecedent of petitioners, 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-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Muzaffarpur in connection with Minapur P.S. Case No. 385 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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