

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6797 of 2024

Arising Out of PS. Case No.-261 Year-2023 Thana- DUMARIAGHAT District- East
Champaran

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Lal Babu Mishra S/O Late Ram Swaroop Mishra Village- Rampur Khajuriya,
Ps. Dumariaghat, Dist. East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

Mr. Sanjay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 09-05-2024 Heard learned counsel for the parties.

2. The petitioner apprehends arrest in a case registered for the offence punishable under sections 467, 468, 471, 472, 419, 420/34 and other allied sections of the Indian Penal Code.

3. Learned counsel appearing for the petitioner submits that the petitioner and informant are heirs of the common ancestor and petitioner is the purchaser of the land and Ram Jinish Mishra is the seller of the land so informant is not the owner of the land. Petitioner has purchased 3 katha of the land from the co-accused Ram Jinish Mishra who is the uncle of the informant and thus the petitioner is the bona fide purchaser and he has purchased the land in question from rightful owner Ram Jinish Mishra on 30.03.2023. The land belonging to Khata



no. 274, plot no. 2635 the total area of plot no. 2635 is 14 katha 2 dhur and out of which the petitioner has only purchased 3 katha of the land from Ram Jinish Mishra which is his share. Petitioner has filed a Tital Suit no. 704 of 2023 before the learned Sub-Judge, Motihari in which the Petitioner Lal Babu Mishra is plaintiff and the informant Vikash Mishra and others are defendant. He submits that the matter is purely of civil nature. Petitioner claims clean antecedent.

4. Learned counsel for the State as well as the informant oppose the prayer for bail.

5. Considering the aforesaid facts of the case, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within six weeks from today, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate 1st class, Motihari, East Champaran in Dumariaghat Police Station Case No. 261 of 2023, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

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(Prabhat Kumar Singh, J)

