

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18485 of 2024

Arising Out of PS. Case No.-433 Year-2023 Thana- CHIRAIYA District- East Champaran

1. Tiwary Rai @ Shree Tiwary @ Tevari Ray S/O- Dhuri Rai, R/O- Village- Sapgardha Tola Akauna, P.S.- Chiraiya, Dist.- East Champaran.
2. Priyanka Kumari D/O- Dhuri Rai, R/O- Village- Sapgardha Tola Akauna, P.S.- Chiraiya, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-04-2024 Heard Mr. Manoj Kumar, the learned counsel for the petitioners, the learned counsel for the informant and Mr. Ram Anurag Singh, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Chiraiya PS Case No. 433 of 2023, FIR dated 15.09.2023, registered for the offences punishable under Sections 323, 420, 467, 468 and 384 read with Section 34 of the Indian Penal Code.

3. According to prosecution case, the accused Jakina Khatoon in connivance with her husband and family members sold the land of the informant through two sale deeds in favour

of the petitioners, after preparing forged sale deeds showing her title and possession. It is further alleged that accused persons, while holding country-made pistols, threatened the informant that if he wants to keep the said land, he will have to pay Rs. 50,00,000/- (rupees fifty lakhs) as *rangadari*, otherwise they will murder him and his family members.

4. Learned counsel for the petitioners submits that petitioner no. 1 has purchased the land in question from one Jakina Khatoon from registered sale deed and they have falsely been implicated in the present case merely on the ground that informant has claimed that land in question belongs to the informant. He further submits that after due verification and after paying the consideration amount of the land in question, petitioners had purchased the land in question from the owner of the land in question and they have no concern at all with the present occurrence. He lastly submits that if the informant claims that that he is owner of the land in question, he may file appropriate case before the competent Court of law.

5. The learned counsel for the informant and the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners on the ground that petitioner no. 1 carries one

criminal antecedent other than the present one, however, petitioner no. 2 has clean antecedent.

6. Considering the aforesaid facts and circumstances and the fact that after due verification and after paying the consideration amount petitioners have purchased the land in question from registered sale deed, let the petitioners, above-named, in the event of their arrest or surrender before the trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Sikrahana at Dhaka, where the case is pending in connection with **Chiraiya PS Case No. 433 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the trial Court.

(ii). If the petitioners tamper with the evidence or

the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the trial Court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the trial Court shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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