

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26178 of 2024

Arising Out of PS. Case No.-480 Year-2022 Thana- GOVINDGANJ District- East
Champaran

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Motilal Sahani S/o Late Birbal Sahani @ Late Virbal Sahani R/o Vill -
Harsidhi, Babu Tola, Ward No. 05, P.S. - Harsidhi, Dist. - East Champaran at
Motihari

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Adv.

For the Opposite Party/s : Mrs. Gulnar Begum, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 23-08-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in
connection with Govindganj P.S. Case No. 480 of 2022 dated
22.09.2022 registered for the offences punishable u/ss 341, 323,
504, 506, 406, 470, 467, 468, 471 read with section 34 of the
Indian Penal Code.

3. As per the prosecution case, when the informant
was sitting at his door then the petitioner along with the co-
accused persons came there and unanimously started saying that
the land of the informant's house situated in Mouza Harsiddhi
has been purchased by them and asked the informant to



demolish the permanent residential house and vacate it. The informant told the co-accused persons that his great grand-father had purchased the aforesaid land which is in their possession since 26.04.1937 and we have our residential home on the aforesaid land whose mutation was done from the zonal office and lagaan is being paid since then. On which, all the accused persons assaulted and abused the informant and said that we were big land mafia and extortionist and would get the land vacated and threatened to kill and said that they have prepared two fraudulently documents by forging and conspiring. Further, when the informant verified at Registry Office (Areraj), he came to know that the co-accused along with the petitioner have fraudulently prepared two forged documents wherein Zakir Hussain is the witness, Motilal Sahani (petitioner) happens to be the seller and Sipahi Sahani is the buyer.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. There is a land dispute between the parties. Learned counsel has further submitted that the informant and his family members are in a habit of falsely implicating the petitioner and his family members. Earlier Harsidhi P.S. Case No. 347 of 2022 dated 21.07.2022 was lodged against the petitioner and his family



members, by the relative of the present informant namely Ajay Prasad on similar set of facts. Learned counsel has further submitted that the co-accused, Sipahi Sahani had represented before the D.C.L.R. Areraj, East Champaran against the informant's side and upon scrutiny an order dated 10.11.2022 was passed against the informant's side which infuriated the informant and led to the present case. The D.C.L.R. Court found that the land belongs to the accused Sipahi Sahani and ordered the Circle Officer, Harsidhi to demarcate the said land according to the plaintiff's documents. If any encroachment is found during the demarcation, the plaintiff should be given possession by freezing the encroachment. The co-accused person has already been granted regular bail by this court vide order dated 25.05.2023 passed in Cr. Misc. No. 26091 of 2023. The petitioner has three criminal antecedents in which he is on bail in two cases and he is acquitted in one case as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

6. 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, East Champaran, Motihari in connection with Govindganj P.S. Case No. 480 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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