

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22101 of 2024

Arising Out of PS. Case No.-860 Year-2019 Thana- MADHAURAH District- Saran

Chhathu Singh son of Late Girdhari Singh Vill- Marhowrah Khurd, Ps-
Marhowrah Dist- Saran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 12-07-2024 1. Heard the learned counsel for the petitioner and
learned APP for the State.

2. This is an application for grant of anticipatory
bail in connection with Marhowrah P.S. Case No.860 of 2019,
registered for offences under Sections 420, 406, 467, 468, 371
and 120(B)/34 of the IPC.

3. The case of the prosecution, as per the complaint
petition, is that the land in dispute has been recorded in the
Khatiyani in the name of one Shiv Govind Mahato, son of Dular
Mahato who is survived by two sons namely Jagdeo Mahato and
Pyarchand Mahato who are stated to have come into possession
of the said land after the death of Shiv Govind Mahato. As far as
Pyr Chand Mahato is concerned, he is said to have given his
share to his brother namely Jagdeo Mahato. The said Jagdeo



Mahato had also died leaving behind his two sons i.e. the complainant herein and one Ashok Mahato. The petitioner is stated to have purchased the aforesaid disputed land on 02.08.2019 by a registered sale deed. The complainant has also alleged that the accused persons including the petitioner herein have engaged in conspiring together and have fraudulently got the aforesaid sale deed dated 02.08.2019 executed in favour of the petitioner herein.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that the allegations levelled in the complaint petition are purely civil in nature and it would be appropriate for the complainant to approach the competent civil court having appropriate civil jurisdiction for redressal of his grievances. The learned counsel for the petitioner has also submitted that similarly situated co-accused persons have already been granted bail by this Court as also by a co-ordinate Bench of this Court vide orders dated 03.12.2020 and 04.12.2020, passed in Cr.Misc. No.2885 of 2020 and Cr.Misc. No.2864 of 2020, respectively.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.



6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record this Court finds that the allegations levelled in the complaint petition, forming part of the FIR in question, are primarily in nature of civil dispute and moreover, similarly situated co-accused persons have already been granted the privilege of bail by this Court, hence, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the above named petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below, within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Saran at Chapra in connection with Marhowrah P.S. Case No.860 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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