

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28811 of 2024

Arising Out of PS. Case No.-1163 Year-2022 Thana- KHAGARIA District- Khagaria

1. Shankar Lal Bhimsaria @ Shankar Prasad Bhimsaria S/o Late Ramdeo Bhimsaria R/o- Sanholiganj Bazar, P.S - Khagaria, Distt. - Khagaria, Presently residing at Flat no. 502, Arjuna J.K. Tower Chajjubagh, P.S. - Gandhi Maidan, Distt. - Patna
2. Pintu Sah S/o Late Laxmi Sah R/o Murgiyachk, ward no. 9, P.S. - Khagaria, Distt. - Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Minhaz S/o Md. Naimaddin R/o Sabalpur, P.S. - Morkahi, Distt - Khagaria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Shanker Tiwari, Advocate.

For the Opposite Party/s : Mr.Mohammad Sufyan, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 20-11-2024 Heard Mr. Vijay Shanker Tiwari, learned counsel appearing on behalf of the petitioners and Mr. Mohammad Sufyan, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Khagaria P.S. Case No. 1163 of 2022 registered for the offence punishable under Sections 467, 468 and 471/34 of the Indian Penal Code.

3. The prosecution case, in brief is that on 14-12-1992 the informant Md.Minhaj purchased 10 katha land bearing Khata No.149, Khesra No.160 from Shankar Prasad Bhimsariya



on the consideration money of Rs. 25,000/-. On 30-03-2022 Pintu Sah told him that he had purchased 10 katha aforesaid land by registered sale deed on the consideration money of Rs. 13,50,000/-from Shankar Lal Bhimsariya in the year 1992. On enquiry it was detected that on 29-03-2022 and 30-03-2022 Pintu Sah purchased land of Khata No.419, Khesra No.168, area 10 katha from Shankar Lal Bhimsariya while on 14-12-1992 Shankar Lal Bhimsaria sold the land by mentioning wrong Khesra Number in favour of the complainant. The sharer of said land Janardan Bhimsariya sold his share 10 katha 13 dhur in favour of Iftekhhar Alam by registered sale deed. Petitioner No.1 is said to have sold the land by mentioning wrong khesra number 160 in place of Khesra No.168.

4. Learned counsel appearing on behalf of the petitioners informs that no case as alleged in the F.I.R. is made out considering the fact that due to inadvertence in the sale deed dated 14.12.1992, Khesra Number has incorrectly been mentioned as 160 in place of 168, however, boundary of the land purchased by the informant is also mentioned in respect of khesra number 160. It is also mentioned that informant, at the same time, has filed Title Suit No. 32 of 2022 for correction of entries made in the registered sale deed. It is submitted that as



incorrect khesra number has been mentioned in the sale deed, informant is finding difficulty in getting the land mutated. It has been mentioned in the F.I.R. itself that the land as on date is in the possession of the informant and the informant in this regard has already taken steps and the petitioner also don't intend to protest in this regard either before the Civil Court in Title Suit No. 32 of 2022 or before any authorities. On these grounds, learned counsel submitted that the petitioners deserve to be released on pre-arrest bail.

5. Learned APP for the State has opposed the prayer for pre-arrest bail and informs that the final form has already been submitted, as such, there is no apprehension of the petitioners being apprehended.

6. Having considered the rival submissions made on behalf of the parties, as well as, the allegation made in the F.I.R., and the fact that the informant has already sought remedy before the Civil Court by filing Title Suit No. 32 of 2022 and he is in possession of the land as on date and the investigating officer has also submitted final form in favour of the petitioners that the dispute is civil in nature, I am inclined to enlarge the petitioners on pre-arrest bail.

7. The petitioners, above named, are directed to be



released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Khagaria P.S. Case No. 1163 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The bail application stands disposed of.

(Purnendu Singh, J)

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