

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29787 of 2024

Arising Out of PS. Case No.-74 Year-2023 Thana- MOTIHARI TOWN District- East
Champaran

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1. Devendra Rai @ Devendra Prasad Yadav Son of Late Saryu Rai Resident of Village- Amwa, P.S.- Pipra, Dist.- East Champaran
 2. Mina Devi Wife of Ram Chaudhary Resident of Village- Amwa, P.S.- Pipra, Dist.- East Champaran
 3. Dilip Kumar son of Prabhu Sahani Resident of Village- Amwa, P.S.- Pipra, Dist.- East Champaran
 4. Rampati Devi Wife of Haribansh Sahani Resident of Village- Amwa, P.S.- Pipra, Dist.- East Champaran
 5. Suresh Chaudhary Son of Late Jagarnath Chaudhary Resident of Village- Hathyahi @ Hathyahi, P.S.- Piprakothi, Dist.- East Champaran
 6. Sahdev Chaudhary Son of Bijali Chaudhary Resident of Village- Hathyahi @ Hathyahi, P.S.- Piprakothi, Dist.- East Champaran
 7. Sharda Devi Wife of Sunil Sahani Resident of Village- Hathyahi @ Hathyahi, P.S.- Piprakothi, Dist.- East Champaran
 8. Siya Devi Wife of Akhilesh Paswan Resident of Village- Hathyahi @ Hathyahi, P.S.- Piprakothi, Dist.- East Champaran
 9. Kisan Devi Wife of Pappu Paswan Resident of Village- Hathyahi @ Hathyahi, P.S.- Piprakothi, Dist.- East Champaran
 10. Shambhu Paswan Son of Late Sihasan Paswan Resident of Village- Hathyahi @ Hathyahi, P.S.- Piprakothi, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Advocate
For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-05-2024 Heard Mr. Krishna Kant Singh, learned counsel for

the petitioners and the State.

2. The petitioners are apprehending arrest in

connection with Motihari Town P.S. Case No. 74/2023 instituted



under Sections 420, 467, 468, 471, 120B, 387/34 of the Indian Penal Code lodged on 17.1.2023 by the informant, Sukhlal Choudhary.

3. As per the complaint, the complainant alleged that despite being in peaceful possession of the land and after having succeeded in Title Suit No. 66 of 2010 and Title Suit No. 604 of 2013 in which decrees were passed in his favour, the petitioner no.1, Devendra Rai @ Devendra Prasad Yadav prepared fake papers and thereafter executed different sale-deeds in favour of petitioner nos. 2 to 10. Accordingly, the complaint was filed which resulted into registration of Town P.S. Case No. 74 of 2023.

4. Learned counsel for the petitioners submit that the petitioner no.1 himself was a purchaser of the land in the year 1985 which he subsequently executed in favour of petitioner nos. 2 to 10 through different sale-deeds and a Title Suit No. 171 of 2019 is already pending for cancellation of the decree passed in Title Suit No. 604/2013 in favour of the complainant.

5. Learned APP opposes the prayer submitting that it is the petitioner no.1 who is the master mind and has executed different sale-deeds.

6. Taking into account the aforesaid submission so far



as the petitioner no.1, Devendra Rai @ Devendra Prasad Yadav is concerned, despite the knowledge of the orders in Tittle Suit in favour of the complainant, he executed the sale-deeds, it would be appropriate that he seek bail. His anticipatory bail application stands rejected.

7. So far as the petitioner nos. 2 to 10 are concerned, they are purchasers and themselves are sufferers. In that background, their anticipatory bail application stand allowed.

8. Let the petitioners (except the petitioner no.1, Devendra Rai @ Devendra Prasad Yadav) be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Motihari Town P.S. Case No. 74/2023 to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner nos. 2 to 10 who shall provide official document to show his/her bona fide;

(ii) the petitioner nos. 2 to 10 shall appear on each



and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioner nos. 2 to 10 shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioner nos. 2 to 10 shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner nos. 2 to 10 shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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