

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32938 of 2024

Arising Out of PS. Case No.-374 Year-2021 Thana- SUGAULI District- East Champaran

Rabindra Kumar Singh, Son of Late Gopal Tiwari, R/o Village- Seikhpur PS-
Ahiyapur Dist- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanjeev Kumar Pandey, Son of Late Nand Kishore Pandey R/o- Chapra
Bahas PS- Sugauli Dist- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Adv. Mr. Anuj Kumar, Adv.
For the Opposite Party/s	:	Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-05-2024 Heard Mr. Y.C. Verma, learned senior counsel for the
petitioner and Mr. Abhay Kumar, learned APP for the State.

2. The petitioner apprehends his arrest in connection with Sugauli P.S. Case No. 374 of 2021 registered for the offences punishable under Sections 420, 467, 471 and 120B of the Indian Penal Code.

3. The prosecution case, based upon the written report alleges that the property in question has been obtained by the wife of the informant through family partition. However, co-accused Pratibha Devi without any right and title got registered 4 Katha 10 Dhur land of Khata No. 156, Khesra No. 7580 and 4 Katha land of Khata No. 527, Khesra No. 7660 in favour of



accused Rajnish Kumar, Ravindra Kumar Singh (petitioner) and Munna Singh on 15.03.2021 in Registry Office, Motihari after making forged and fabricated sale deed. Further allegation has also been levelled that co-accused Pratibha Devi also got executed some more sale deed in favour of others by making some forged and fabricated documents, thereby deceived the informant.

4. Learned senior counsel appearing on behalf of the petitioner contended that the petitioner is a bona fide purchaser of the land in question through a registered sale deed. The purchase of the land was done after payment of consideration money. From the FIR, it is evident that there is some ancestral dispute between the parties, for which the petitioner cannot be blamed. It is further contended that the narrations made in the FIR predominately appear to be civil in nature. However, in order to put pressure upon the purchasers, the instant FIR has been instituted. Moreover, a criminal case cannot be a tool to settle the civil dispute, the informant has already remedy before the Civil Court. Learned senior counsel, also informed this Court that a title suit bearing Title Suit No. 246 of 2021 is pending between the parties.

5. On the other hand, learned counsel for the State



vehemently opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation, which appears to be predominately civil in nature, moreover, the petitioner is a *bona fide* purchaser of the land in question through the registered sale deed, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned 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 C.J.M., East Champaran, Motihari in connection with Sugauli P.S. Case No. 374 of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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