

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44385 of 2023

Arising Out of PS. Case No.-408 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Dinesh Yadav @ Dinesh Kumar Son Of Late Shiv Balak Roy R/O-Mekra Bujurg, P.O.-MEKRA, P.S.-MOKAMA, Distt.-PATNA
 2. Kusum Devi Daughter Of Late Shrawan Kumar R/O-Mekra Bujurg, P.O.-MEKRA, P.S.-MOKAMA, Distt.-PATNA

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Manipal Pandit Son Of Late Mathura Pandit R/O-Mekra Bujurg, P.O.-mekra, P.S.-mokama, Distt.-patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar

For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 29-03-2024 1. Heard learned counsel for the petitioners, learned

A.P.P. for the State along with learned counsel for the OP No. 2.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 420, 471, 473, 120B and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that a purely civil dispute has been given a criminal colour. It is next submitted that in sum and substance, the allegation against the petitioner is that the petitioner No. 2 executed a sale deed dated 27-12-2019 in favour of petitioner No. 1, as the petitioner No. 2 claims that the said land belongs to him. It is next submitted that if Opposite Party No. 2 is aggrieved by the execution of the sale deed by the petitioner No. 2 in favour of petitioner No. 1 in that



event he has the remedy of getting the sale deed cancelled, in the event if the land belongs to the Opposite Party No. 2. It is further submitted that Opposite Party No. 2 is trying to make out a case that the land in question was purchased by him in the year 2009 from one Shankar Dayal Sharma and petitioner No. 1 was a witness on the sale deed executed by Shankar Dayal Sharma in the year 2009, as such petitioner No. 1 being aware that the land belongs to the OP No. 2 still purchased the same from petitioner No. 2. It is further submitted that the sale deed executed in the year 2009 and the sale deed executed by petitioner No. 2 in favour of petitioner No. 1 is on record.

4. It is next submitted that it is not in dispute that Petitioner No. 1 was a witness on the sale deed, which was executed in the year 2009 by Shankar Dayal Sharma, but then the boundary of the land which was purchased by the OP No. 2 in the year 2009 is different from the boundary of the land which was sold by Petitioner No. 2 in favour of Petitioner No. 1. It is next submitted that a land is identified by its boundary. It is thus submitted that when boundary of both the sale deed is different, how can it be alleged that the petitioner No. 1 purchased the land of the complainant from the petitioner No. 2. It is also submitted that a title suit bearing No. 146 of 2022



pending in the court of learned Civil Judge 1st , Senior Division, Barh, is pending in between the parties.

5. Learned A.P.P. for the State along with learned counsel appearing on behalf of OP No. 2 vehemently opposes the prayer for anticipatory bail of the petitioners but are not in a position to rebut the submission of the learned counsel for the petitioner that the boundary of the land in both the sale deed is different.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Complaint Case No. 408(C) of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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