

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37191 of 2024

Arising Out of PS. Case No.-136 Year-2023 Thana- CHAKIA District- East Champaran

1. Mohan Kumar Son Of Bharat Sah Resident Of Village - Barmadiya, P.S. - Chakia, District - East Champaran
2. Dharmendra Kumar @ Dharmendra Sah Son Of Ram Ekbal Sah Resident Of Village - Barmadiya, P.S. - Chakia, District - East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar

For the Opposite Party/s : Mr. Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 09-09-2024 1. Heard learned counsel for the petitioners, learned APP for the State and the learned counsel appearing on behalf of the informant
2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 384, 387, 420, 467, 468, 471, 120(B) of the Indian Penal Code. And Section 27 of the Arms Act.
3. The learned counsel for the petitioners submits that the petitioner no. 1 has antecedent of two cases and petitioner no. 2 has antecedent of one case and petitioner no. 1 is the purchaser of the land in question and petitioner no. 2 is identifier on the sale deed.



4. The learned counsel for the petitioners submits that petitioners being purchaser of the land and identifier on the sale deed have been implicated in the instant case by the informant when the petitioner no. 1 had purchased the land in question from Suresh Sah and Bali Sah, who are heirs of the *Khatiyani raiyat*. It is next submitted that from perusal of the allegation as alleged in the FIR, it would also manifest that the informant admits that the sellers are heirs of Khatiyani raiyat. It is next submitted that informant has also instituted Title Suit No. 810 of 2023, which is pending adjudication in the Court of learned Sub-Judge-VIII, Motihari in which petitioners have received notice and have already appeared through their respective counsel. It is next submitted that in the event, if the informant loses the title suit whether it would be prudent for this Court to send the petitioners to jail at this stage.

5. Learned counsel appearing on behalf of the informant opposes the anticipatory bail application and submits that similarly situated co-accused, Ashok Sah, Alok Kumar and Gajja Sah had come to this Court, seeking anticipatory bail but then the same was rejected.

6. The learned counsel appearing on behalf of the petitioners rebutted the said submissions of the learned counsel



appearing on behalf of the informant and submits that the ground raised in the instant anticipatory bail application was not raised in Criminal Miscellaneous No. 22581 of 2024 by which Ashok Sah and others had moved this Court, seeking anticipatory bail, as such their anticipatory bail application was rejected.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event their arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Chakia P.S. Case No. 136 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

(Satyavrat Verma, J.)

Sudhanshu/-

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