

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34746 of 2024

Arising Out of PS. Case No.-73 Year-2024 Thana- BUXAR MUFFSIL District- Buxar

1. Bharat Yadav Son Of Hardev Yadav Resident Of Village - Mahdah, P.S. - Buxar Muffasil, District - Buxar
2. Shankar Deyal Yadav Son Of Hardev Yadav Resident Of Village - Mahdah, P.S. - Buxar Muffasil, District - Buxar
3. Rohit Yadav Son Of Bharat Yadav Resident Of Village - Mahdah, P.S. - Buxar Muffasil, District - Buxar
4. Nishakar Yadav Son Of Rajindar Yadav Resident Of Village - Mahdah, P.S. - Buxar Muffasil, District - Buxar
5. Manoj Yadav Son Of Paras Yadav Resident Of Village - Mahdah, P.S. - Buxar Muffasil, District - Buxar
6. Munna Yadav Son Of Bharat Yadav Resident Of Village - Mahdah, P.S. - Buxar Muffasil, District - Buxar
7. Chandan Yadav Son Of Bharat Yadav Resident Of Village - Mahdah, P.S. - Buxar Muffasil, District - Buxar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak, Advocate
For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-05-2024 Heard Mr. Pankaj Kumar, learned counsel appearing on behalf of the petitioners and Mr. Narsingh Tanti, learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Buxar Mufassil P.S. Case No. 73 of 2024, registered for the offences punishable under Sections 406, 420, 341, 323, 384, 504, 506 and 34 of the Indian Penal Code.



3. The prosecution case based upon the written report is that all the FIR named accused persons in collusion with each other got executed a sale deed fraudulently from mother of the informant. When the informant protested for the same she was also assaulted by the accused persons. It is further alleged that the informant having come to know about the execution of the sale deed, she filed a title suit which is pending in the Court of the learned Sub-Judge, Buxar.

4. Learned counsel for the petitioners contended that *prima facie* from the FIR it is evident that the civil nature of dispute has been given the colour of a criminal case. The informant has already filed a Title Suit bearing No. 700 of 2022 which is pending consideration before the Civil Court of Competent Jurisdiction. However, in order to wreak vengeance and put pressure upon the petitioners the present FIR has been instituted. It is further contended that in fact the petitioners have purchased the land in question after payment of consideration money through the registered sale deed and in view of the matter no case under Sections 406, 420 and 384 is made out. It is lastly, contended that all the action has been taken by the informant after death of the mother.

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



opposed the pre-arrest bail application and submits that all the petitioners fraudulently got executed a sale deed by the mother of the informant and when the informant came to know the present FIR has been instituted. Further submission has been made that petitioner nos. 4 and 5 bear one criminal antecedent.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation which is predominantly civil and for which there is already a suit pending between the parties, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chef Judicial Magistrate, Buxar in connection with Buxar Mufassil P.S. Case No. 73 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C.

(Harish Kumar, J)

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