

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37922 of 2024

Arising Out of PS. Case No.-407 Year-2023 Thana- BAIKUNTHPUR District- Gopalganj

1. Prabhu Rai @ Prabhunath Rai
 2. Subash Rai
 3. Dalbes Rai @ Darabesh Rai
- All are Son of Gokhul Rai.
All Resident of Village - Faizullahpur, P.S.- Baikunthpur, District - Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vivek Kumar Pandey Son of Late Harendra Pandey Resident of Village - Kritpura, P.O.- Faizullahpur, P.S. - Baikunthpur, District- Gopalganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate
For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-07-2024 Heard learned counsel for the petitioners as well as learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 467, 468, 471, 420 and 34 of the IPC in connection with Baikunthpur P.S. Case No.407 of 2023.

3. The learned counsel for the petitioners submit that the petitioners are persons with clean antecedent and have been falsely implicated in the instant case being purchaser of a piece of land from legal heirs of Sripat Mishra, namely, Om Prakash



Mishra and Jai Prakash Mishra, sons of Dudhnath Mishra.

4. It is further submitted that the informant alleges that the land in dispute was recorded in the name of Basudeo Mishra and Ram Bharosh Mishra who were his maternal great grandfather and the vendors of the petitioners fraudulently sold the land in question to the petitioners.

5. The learned counsel for the petitioners further submits that the vendors of the petitioners are related to the informant and they have sold their share of the land in favour of the petitioners, as such the petitioners are bonafide purchasers. It is next submitted that if informant is aggrieved by the execution of the sale deed in favour of the petitioners he has remedy of approaching a court of competent civil jurisdiction for getting the sale deed cancelled.

6. The learned APP opposes the anticipatory bail application.

7. 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 Court below within a period of six weeks, are directed to be released on anticipatory bail on their furnishing bail-bonds in the sum of Rs10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in connection with Baikunthpur P.S. Case No.407 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)

Prakash Narayan

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