

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40696 of 2024

Arising Out of PS. Case No.-225 Year-2022 Thana- GAUNAHA District- West Champaran

1. Laxman Mahto @ Laxuman Raut @ Lataraman Raut S/o Late Prasad Raut R/o Village- Vishunpura, P.S.-Gaunaha, District-West Champaran
2. Suryavanti Devi @Sujvanti Devi W/o Laxman Mahto @Laxuman Raut @ Lataraman Raut R/o Village- Vishunpura, P.S.-Gaunaha, District-West Champaran
3. Prabhu Ram S/o Late Mahesh Ram R/o Village- Vishunpura, P.S.-Gaunaha, District-West Champaran
4. Draupadi Devi W/o Prabhu Ram R/o Village- Vishunpura, P.S.-Gaunaha, District-West Champaran
5. Bhabhuka Devi @ Girja Devi @ Bhabhuni Devi W/o Bangur Sah R/o Village- Tajpur Siswa, P.S.-Mangha, District-West Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 40714 of 2024

Arising Out of PS. Case No.-225 Year-2022 Thana- GAUNAHA District- West Champaran

Rajeshwar Sah Son Of Late Ramayan Sah Resident Of Village - Vishanpurva,
P.S. - Gaunaha, District - West Champaran.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 40696 of 2024)

For the Petitioner/s : Ms. Shweta, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

For the Informant ; Mr. Sachchidanand Rai, Advocate

(In CRIMINAL MISCELLANEOUS No. 40714 of 2024)

For the Petitioner/s : Ms. Shweta, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

For the Informant ; Mr. Sachchidanand Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-07-2024

Since both the applications arise out of Gaunaha P.S.



Case No. 225 of 2022, as such, they have been taken up together and are being disposed of by this common order.

02. Heard learned counsel for the petitioners and learned APPs for the State.

03. In this present case, the petitioners are apprehending their arrest in connection with Gaunaha P.S. Case No. 225 of 2022, registered for the offences under Sections 420 and 406/34 of the Indian Penal Code.

04. As per prosecution case, the petitioner-Rajeshwar Sah used to threaten the informant for transferring 02 *katha* land in his name and when the informant refused, he put one Bhabhuka Devi saying her to be belonging to the family of the informant and from her got executed a number of sale-deeds in his favour as well as in favour of other petitioners of Cr. Misc. No. 40696 of 2024.

05. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioners are vendees of petitioner no.5 (Bhabhuka Devi) and the said lady belongs to the family of the informant. The true fact of the case is that one Bhola Sah was the common ancestor of the informant and petitioner no. 5 and he had two wives namely, Bhangiya Devi and Sonarpati Devi



and petitioner no. 5 is the daughter-in-law of Bhangiya Devi and the informant Ajay Sah is the grandson of Sonarpati Devi. The petitioner Bhabhuka Devi took the matter before the *Gram Kachahari*, but *Panchayat* could not reach at any decision. The father of the informant came in the *Panchayat* but left from *Panchayat* neglecting the same. Learned counsel further submits that it is completely civil dispute, which has been given a colour of criminal case. The informant has lodged a number of cases against the petitioner-Rajeshwar Sah and other petitioners as well. The petitioners of Cr. Misc. No. 40696 of 2024 are having antecedent of one case whereas petitioner-Rajeshwar Sah is having antecedent of 11 cases in which, in one of the cases he has been acquitted and four cases have been lodged by the same informant or at his instance.

06. Learned APPs for the State as well as learned counsel for the informant oppose the prayer for anticipatory bail. Learned counsel for the informant submits that the petitioner-Rajeshwar Sah is the criminal minded person and he is the mastermind, who has created all the dispute. The petitioner Rajeshwar Sah in order to grab the land of the informant put Bhabhuka Devi, who has otherwise no interest in the land of the informant, and got from her land transferred in



his name.

07. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the civil nature of dispute and further considering the probability of false accusation, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah/concerned court in connection with Guanaha P.S. Case No. 225 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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