

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39499 of 2023

Arising Out of PS. Case No.-315 Year-2022 Thana- PUPRI District- Sitamarhi

1. Murari Mishra @ Murari Mishr Son Of Shailendra Mishra Resident Of Village - Pupri, P.S. - Pupri, Distt. - Sitamarhi
2. Lalan Prasad Sah Son Of Shiv Prasad Sah Resident Of Village - Pupri, P.S. - Pupri, Distt. - Sitamarhi

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Thakur
Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh- A.P.P.
Ms. Smiti Bharti

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 15-02-2024 1. Heard learned counsel for the petitioners,

learned counsel for the opposite party no.2 and 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 420, 406, 467, 468, 471 and 120(B) of the Indian

Penal Code.

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. The learned

counsel submits that a purely civil dispute has been given a



criminal colour. It is next submitted that opposite party no.2, herein, in the Year 2019, had purchased 08 decimal of land from one Manoj Mishra by a registered sale deed. It is next submitted that after purchasing the land in the Year 2019, the opposite party no.2 applied for mutation of the land in her name and accordingly, the lands were mutated and *Jamabandi* was created. It is next submitted that brother of Manoj Mishra instituted a criminal case against Manoj Mishra and the opposite party no.2 alleging therein that Manoj Mishra had sold land to the opposite party no.2, which belonged to his share fraudulently. It is next submitted that as far as these petitioners are concerned, they are alleged to have conspired with Manoj Mishra in getting the land sold to the opposite party no.2 by a registered sale deed in the Year 2019.

4. The learned counsel for the petitioners submits that it is not in dispute that opposite party no.2 purchased the land in the Year 2019, thereafter she got the land mutated in her name and it was only after the brother of Manoj Mishra instituted a criminal case against his brother



and the opposite party no.2 that the present false case came to be instituted. It is further submitted that if the brother of Manoj Mishra is aggrieved by execution of the sale deed in favour of the opposite party no.2, then he had remedy of approaching a Court of competent civil jurisdiction for getting the sale deed cancelled, but then, instead of resorting to the said remedy, a criminal case was instituted and opposite party no.2 in order to coerce the petitioners into submission instituted the present case.

5. Learned A.P.P. along with learned counsel for the opposite party no.2 opposes the anticipatory bail application, but then, are not in a position to rebut the submission of the learned counsel for the petitioners that opposite party no.2 purchased the land from Manoj Mishra in the Year 2019, thereafter, she got the land mutated in her name and as far as the present petitioners are concerned, they are only alleged to have entered into conspiracy with Manoj Mishra for getting the land sold in favour of the opposite party no.2, when the learned counsel for the petitioners contends that the land is ancestral property of



Manoj Mishra and his brother.

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 Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Pupri at Sitamarhi in connection with Pupri P. S. Case No.315 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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