

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47792 of 2024

Arising Out of PS. Case No.-1094 Year-2022 Thana- SAHARSA SADAR District- Saharsa

1. Manjula Devi, Wife of Parmanand Yadav, Resident of Vill- Mangwar, P.S.- Saharsa, District- Saharsa.
2. Sita Ram Singh, Son of Late Gokhula Prasad Singh @ Late Jokhula @ Late Jokhula, Prasad Singh Resident of Vill- Mangwar, P.S.- Saharsa, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Satish Singh, Advocate
For the State	:	Mr. Ajay Kumar Jha, APP
For the Informant	:	Mrs. Rashmi Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-08-2024 Heard learned counsel for the petitioners and learned
APP for the State as well as learned counsel for the informant.

2. In the present case, the petitioners are apprehending their arrest in connection with Saharsa Sadar P.S. Case No. 1094 of 2022 registered on 04.12.2022 for the alleged offences under Sections 420, 467, 468, 471 and 120(B) of the Indian Penal Code.

3. As per prosecution case, the complainant/informant alleged that petitioner no.1 got registered a portion of land in the year 2015 by making a person impersonate the vendor of the complainant/informant from whom the complainant/informant purchased the same piece of land in the year 2019. Petitioner no.2 is stated to be the witness on the sale deed of 2015.



4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The allegation against the petitioners did not make out any criminal offence. The petitioner no.1 purchased the land from one Dinesh Singh and subsequently complainant/informant also purchased the land from the same person in the year 2019. Petitioner no.1 is a *bonafide* purchaser and petitioner no.2 is the witness on the sale deed and in order to pressurize the petitioners, this false case has been lodged. Learned counsel further submits that the issue raised by the complainant/informant only give rise to a title dispute and informant of this case has already filed Title Suit No. 158 of 2024 for declaration of title in the matter. Petitioner no.2 has also filed Title Suit No. 709 of 2023 in which the vendor of Dinesh Prasad Singh has been made party as defendant no.21. Petitioner no.1 is having clean antecedent whereas petitioner no.2 is having antecedent of two cases and he is on bail in both the cases.

5. Learned APP as well as learned counsel for the informant vehemently oppose the submissions made on behalf of the petitioners. Learned counsel for the informant submits that the petitioners put a person in place of Dinesh Prasad Singh and got the land registered in her name and subsequently from



the original Dinesh Prasad Singh the informant has purchased the same piece of land.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the civil nature of dispute and also considering the possibility 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 bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa/ court concerned in connection with Saharsa Sadar P.S. Case No. 1094 of 2022, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the 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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