

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48272 of 2024

Arising Out of PS. Case No.-51 Year-2024 Thana- PIPRAKOTHI District- East Champaran

1. PAPPU KUMAR YADAV @ PAPPU RAI SON OF LATE MOHIT RAI
 2. VIKASH KUMAR YADAV @ VIKASH RAI SON OF LATE MOHIT RAI
 3. MUKESH KUMAR YADAV @ MUKESH RAI SON OF LATE MOHIT RAI
- ALL ARE RESIDENTS OF VILLAGE- HARPUR, PS- PIPRAKOTHI,
DIST- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 19-08-2024

1. Heard learned counsel for the parties.

2. The petitioners in this application pray for bail apprehending their arrest in connection with Pipra Kothi P.S. Case no.51 of 2024 registered for the offence punishable under sections 420, 406, 323, 341, 504, 506 and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant states that on account of illness of Mohit Rai and there being lack of resources, it is stated that a sum of Rs.2.7 lacs had been taken from the informant on the promise that a registered deed with respect to the immovable property described in the FIR would



be executed in favour of the informant. Subsequently, his brother Mohit Rai died. It is further stated that even subsequent thereto his sons took Rs.15.5 lacs and thereafter still they were not ready to execute the sale deed. A panchayati was conducted. After the panchayati, one of the brothers of the petitioners namely Munna Kumar Yadav executed the sale deed with respect to his share in the land. On the informant asking for return of his amount or for execution of the registered sale deed, it is stated that the accused persons including the petitioners assaulted him with lathi, danda etc. and said that they would not execute any deed.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the case because of property dispute between the parties who are family members as is evident from the contents of the FIR itself. The dispute, if any, is purely civil in nature. The petitioners have no criminal antecedent and undertake to cooperate in the case.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant submits that the petitioners are named in the FIR. There is direct allegation against them of having taken Rs.2.7 lacs and Rs.15.5 lacs and of having



executed an agreement. It is a clear case of sections 406 and 420 of the Indian Penal Code besides other sections.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioners in the FIR, the relationship between the parties and the dispute relating to execution of sale deed with respect to immovable property for which as per the informant's case even an agreement dated 14.5.2018 was executed together with the petitioners not having any criminal antecedent, it is directed that the petitioners, above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Pipra Kothi P.S. Case no.51 of 2024 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, East Champaran, Motihari, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Partha Sarthy, J)

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