

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46693 of 2023

Arising Out of PS. Case No.-224 Year-2020 Thana- LODIPUR District- Bhagalpur

1. Gholti Devi W/O Bhukhan Pandit R/O Village- Shyam Bazar, Ps. Bounsi, Dist. Banka
2. Ashok Pandit S/O Bhukhan Pandit R/O Village- Shyam Bazar, Ps. Bounsi, Dist. Banka
3. Dhibu Pandit @ Ravindra Pandit S/O Late Paltoo Pandit R/O Village- Sahebganj, Ps. University, Dist. Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Adv.

For the Opposite Party/s : Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

10 25-01-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case in connection with Lodipur P.S. Case No. 224 of 2020 dated 07.12.2020 corresponding to G.R. No. 4813/ 2020 registered for the offences punishable u/ss 420, 406, 120B, 504 and 506 of the Indian Penal Code.

3. As per the prosecution case, the informant had purchased a piece of land pertaining to Khata No. 328, Khesra No. 1255 having an area of 3.75 decimal through a sale deed dated 28.05.2016 from the petitioners at Rs. 7,55,000/-. It is



further alleged that earlier the said land was sold by the petitioners through a registered sale deed in the year 1982 to others. When the informant went to take possession of the said land then all the petitioners abused and threatened him. The informant alleged that the petitioners fraudulently took money in the name of a registered sale deed.

4. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. The petitioners sold the said land in favour of the informant through registered sale deed in the year 2016 and since then he has been in possession till today but the informant has instituted the case in the year 2020 after a lapse of 4 years. Moreover, no document is attached showing that the said land was earlier sold in 1982. Learned counsel has further submitted that the petitioners had purchased the land of Khata No. 326, Khesra No. 1255 area- 5 decimals and Khesra No. 2299 area 17.5 decimals, total 22.5 decimals through sale deed no. 9983 dated 14.07.2004 from Mosst. Tughri Devi and they were in exclusive possession of their said purchased land. Thereafter, out of said 22.5 decimals of purchased land, these petitioners have sold 3.75 decimals of land to the informant by sale deed no. 6955/14 dated 06.06.2014. The petitioners have no criminal antecedent



as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioners, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Bhagalpur in connection with Lodipur P.S. Case No. 224 of 2020 corresponding to G.R. No. 4813/ 2020, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further condition :-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of his bail bond.

7. This application stands allowed.

(Chandra Prakash Singh, J)

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