

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47994 of 2023

Arising Out of PS. Case No.-274 Year-2022 Thana- SHAMBHUGANJ District- Banka

1. SHIV NANDAN TIWARI S/o Late Tarni Prasad Tiwari R/o Village-Rudpai, P.S.-Shambhuganj, District-Banka, Presently residing at Manali Road, Chhoti Khanjerpur, P.S.-Barari, District-Bhagalpur
2. NITYA NANDAN TIWARI S/o Late Gopal Tiwari R/o Village-Rudpai, P.S.-Shambhuganj, District-Banka, Presently residing at Manali Road, Chhoti Khanjerpur, P.S.-Barari, District-Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. AJABLAL MANDAL Son of Late Ritlal Mandal Resident of Village-Rudpai, P.O. and P.S.-Shambhuganj and District-Banka

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madan Mohan, Adv.

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 11-01-2024 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in a case in connection with Shambhuganj P.S. Case No. 274 of 2022 dated 12.10.2022 registered for the offences punishable u/ss 420, 467, 468, 471, 504, 506 and 323 of the Indian Penal Code.



4. As per the prosecution case, it is alleged that the complainant has purchased a piece of land situated in Mauza Ruspai under district Banka, appertaining to Khata No. 22, Khesra No. 380, 366 K.M. and measuring area 15.625 decimals from the petitioners and the co-accused Koushal Kishor Tiwari. by way of sale deed bearing No. 5660, dated 28.04.2017 after paying Rs. 96,000/-. Thereafter, the petitioners and the co-accused persons again executed the sale deed bearing no. 9769 and 9789, dated 17.05.2022 in respect of the aforesaid land and thereafter dispossessed the informant from the aforesaid land.

5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. It is further submitted that as per annexure-3 filed on behalf of the petitioners, the matter was resolved related to the aforesaid disputed land. Learned counsel has further submitted that it was the mistake of the deed writer who inadvertently wrote Khesra No. 366 instead of 377. It is further submitted that the petitioners have executed various sale deeds in favour of different individuals with respect to Khesra No. 377 and 380 and out of misconception, the complainant went to another piece of land for cultivation which was actually sold to other individual. The petitioners have no criminal antecedent as stated



at para 3 of the bail petition.

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

7. Considering the aforesaid facts and circumstances of the case, 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, Banka in connection with Shambhuganj P.S. Case No. 274 of 2022, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

8. This application stands allowed.

(Chandra Prakash Singh, J)

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