

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51386 of 2024

Arising Out of PS. Case No.-592 Year-2019 Thana- SIWAN COMPLAINT CASE District-
Siwan

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1. Hari Kishor Singh @ Harikishun Prasad Singh Alias Hari Kishun Singh son of Late Rambalak Singh Village- Sipar Ps- Basantpur Dist- Siwan
 2. Jai Kishore Singh @ Jai Kishore Prasad Singh son of Late Rambalak Singh Village- Sipar Ps- Basantpur Dist- Siwan

... .. Petitioners

Versus

1. The State of Bihar
2. Rajesh Kumar Yadav Son of Sipahi Yadav Resident of Karhi Khurd, Police Station - Basantpur, District - Siwan

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. Sarvesh Kashyap, Advocate
For the Opposite Party/s	:	Mr. Sharda Kumari, APP
For the complainant	:	Mr. Ajay Kumar Tiwary, Advocate
		Mr. Amit Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 28-08-2024 Heard learned counsel for the petitioners and learned counsel for the complainant as well as learned A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Siwan Complaint Case No. 592 of 2019 in which cognizance has been taken for the offences punishable under Sections 120(B), 465, 468 of the Indian Penal Code.

03. As per prosecution case, the petitioners sold a piece of land to the complainant and the complainant has



alleged that thereafter the nephew of the petitioners sold the same piece of land to one Rinku Kumari.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The petitioners have sold the said land to the complainant in the year 2013 and the complainant got possession over the said land and thereafter, the petitioners have no concern with the said land. If the nephew of the petitioners has sold the same land in the year 2019, the petitioners could not be fastened any criminal liability for the same. The nephew of the petitioner is not having any title and has sold the land without any title. The dispute is civil in nature but only to pressurize the petitioners, this false criminal case has been lodged. The said fact is evident from the lodging of Title Suit No. 620 of 2022 by the complainant against the petitioners and other co-accused persons. The petitioners are having clean antecedent.

05. Learned A.P.P. for the State as well as learned counsel for the complainant vehemently oppose the prayer for anticipatory bail. Learned counsel for the complainant submits that the petitioners and their nephew are hand in glove and in order to cheat the complainant, they have sold the land for the second time.



06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the complete absence of any material to make out a criminal case against the petitioners and further considering the strong possibility of false implication with apparent motive on part of the complainant, 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/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Complaint Case No. 592 of 2019, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other 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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