

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54557 of 2023

Arising Out of PS. Case No.-341 Year-2023 Thana- BAGHA District- West Champaran

-
1. BHARAT YADAV SON OF LATE LALAN YADAV VILLAGE- PIPARIYA,P.S. BAGHA, DISTRICT- WEST CHAMPARAN
 2. Amar Yadav son of Bharat Yadav VILLAGE- PIPARIYA,P.S. BAGHA, DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sunil Kumar Sinha son of Late Vishwanath Sinha Village- Nadda Po- Nadda Ps- Bhairoganj Dist- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar, Adv.
For the State	:	Mr. Murli Dhar, APP
For the Informant	:	Mr. Vijay Kumar Singh No. 1, Adv.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

8 06-02-2024 Heard learned counsel for the petitioner, learned counsel for the informant/opposite party no. 2 and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Bagaha (Bhairoganj) P.S. Case No. 341 of 2023 registered for the offences punishable under Sections 467 468, 420, 471, 472, 120(B)/34 of the Indian Penal Code.

3. As per prosecution case, the informant and his son have been in peaceful possession of land in question, as mentioned in the FIR. It is alleged that petitioners and other prepared forged and fabricated sale deed in collusion with co-



accused Surendra Chaudhary who is not entitled to execute the said sale deed.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR and he has falsely been implicated in this case. He further submits that co-accused Surendra Chaudhary has roots in the common lineage from where informant and his son are said to have obtained the land in question. He further submits that from perusal of Annexure-2 to the bail petition, it is clear that sale deed has been executed by co-accused Surendra Chaudhary in favour of Amar Kumar and other sons of petitioner no. 1 Bharat Yadav for amount of Rs. 2,45,000/-. Learned counsel orally submits that sale deed in question has never been challenged before any competent court. Petitioners are bona fide purchaser of the land in question. In this way, no offence is made out against the petitioners under the sections, as mentioned in the FIR. Petitioners are in custody since 13.06.2023, as mentioned in the impugned order. Petitioner no. 1 bears criminal antecedent of 15 cases out of which he is on bail in 13 cases. Petitioner no. 2 bears criminal antecedent of six cases out of which he is on bail in three cases. Charge sheet has been submitted in the case and there is no likelihood of



tampering with the prosecution evidence.

5. Learned counsel for the informant appeared and submitted through counter affidavit that both parties have amicably settled the dispute outside the court.

6. The learned A.P.P. for the State does not controvert the said submission.

7. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 1st, Bagaha, West Champaran in connection with Bagaha (Bhairoganj) P.S. Case No. 341 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.



(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

shahzad/-

U		T	
---	--	---	--

