

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58662 of 2024

Arising Out of PS. Case No.-316 Year-2023 Thana- ASHTHAWAN District- Nalanda

1. Mukesh Kumar Son of Mr. Shambhu Mistri R/O Vill.- Nizampur, P.S.- Asthawan, Dist.- Nalanda.
2. Shambhu Mistri Son of Darogi Mistri R/O Vill.- Nizampur, P.S.- Asthawan, Dist.- Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vaishnavi Singh

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-09-2024 1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Asthawan P.S. Case No. 316 of 2023 dated 14.12.2023 registered under Sections 307, 419, 420, 406, 114, 504/34, 120(B) of the I.P.C.

3. As per the First Information Report the informant purchased total area of 1 Acre 3 ½ decimal of land from its owner Md. Ashif Ali and got it registered on 22.12.2022. The agreement for sale holders of the said land also put their signature as witness in the sale deed. It has further been alleged that one of the agreement holders Md. Ashif Mallik sold 9 decimals of the same land in favour of the petitioners. When the



informant objected, the petitioners assured that they would vacate the land and also prepared a document to this effect on 17.08.2023. When the informant along with his son and two other persons arrived at the land and requested the petitioners to vacate the same, the petitioner no. 1 on the order of the petitioner no. 2 fired upon the informant but fortunately the bullet did not hit anybody.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case due to sale of the land in favour of the petitioners by one of the agreement holders. The petitioners are bona fide purchasers of the land in question and they were not aware about the fact that land was sold earlier in favour of the informant by its owner and in the sale deed the signature was made by his vendor. No body has sustained bullet injury due to firing allegedly made by the petitioner no. 1. Petitioners have got no criminal antecedent.

5. Regard being had to the submission made by the parties, taking into consideration the fact that petitioners are bona fide purchasers and no body had sustained injury due to firing made by the petitioner no. 1, as such, I am inclined to grant anticipatory bail to the petitioners.

6. Let the petitioners, above named, be released on



anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today 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 Judicial Magistrate 1st Class, Nalanda at Biharsharif in connection with Asthawan P.S. Case No. 316 of 2023 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

praful/-

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

