

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62011 of 2024

Arising Out of PS. Case No.-460 Year-2023 Thana- CHAKIA District- East Champaran

Uday Shankar Thakur Son of Late Muli Thakur, Resident of Village- Shekhi Chakiya, P.S.- Chakiya, Dist.- Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 66577 of 2024

Arising Out of PS. Case No.-460 Year-2023 Thana- CHAKIA District- East Champaran

Binod Kumar Thakur @ Binod Thakur @ Vinod Singh Son of Late Muli Thakur Resident of Village- Shekhi Chakia, P.S. - Chakiya, District - Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 62011 of 2024)
For the Petitioner/s : Mr. Dhannjay Kumar Tiwari, Advocate
For the Opposite Party/s : Mr. Dr. Indihar Kumari, APP
(In CRIMINAL MISCELLANEOUS No. 66577 of 2024)
For the Petitioner/s : Mr. Dhannjay Kumar Tiwari, Advocate
For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-09-2024 Heard Mr. Dhannjay Kumar Tiwari, learned counsel

appearing on behalf of the petitioners and Dr. Indihar Kumari

& Mr. Mritunjay Kumar Nirala, learned Additional Public

Prosecutor(s) for the State.

2. Considering the fact that both the bail application

arising out of the same P.S. Case & G.R. Case and as such, with



the consent of the parties both the matters are being heard together and disposed off by this common order.

3. The petitioners apprehend their arrest in connection with Chakia P.S. Case No.460 of 2023 and G.R. Case No.8083 of 2023, registered for the offences punishable under Sections 419, 420, 406, 467, 468, 504, 506 and 120(b) of the Indian Penal Code.

4. Based upon the written report, the prosecution alleges that the informant has purchased a piece of land having Khata No.253, Khesra No.876, Area-5.816 Decimal i.e. 01 Katha 4 $\frac{3}{4}$ dhur from the petitioners and other *raiyyat* holders through registered sale deed No.2219 after payment of consideration amount to the tune of Rs.15,00,000/- (Rupees Fifteen Lakh). Subsequent thereto, when the informant went for mutation of the land, the same came to be rejected on the basis of the report of *Halka Karamchhari* which reveals that over the land, in question, there was a godown of Public Works Department (P.W.D.) and it belongs to the P.W.D.

5. Considering the aforesaid fact, the informant found that he was cheated at the hands of the vendors, and as such, the case has been instituted against the petitioners and others.

6. Learned Advocate appearing on behalf of the



petitioners drawing the attention of this Court to the averments made in the FIR contended that the informant himself admitted that before purchase of the land, in question, he himself verified that the land which was bounded by a boundary wall and it was a *khatiyani* land which is recorded in the name of the ancestor of the petitioners. He further drew the attention of this Court to the report submitted by *Halka Karamchari* on the basis of which application for mutation came to be rejected. The report of the *Halka Karamchari* is not based upon any revenue record but it only suggest that a local inspection was conducted wherein the villagers have disclosed the fact that the land belongs to P.W.D. The information was also sought from the Circle Officer, Chakia under the Right to Information Act, with regard to the land, in question, whereupon the Circle Officer vide his letter No.1164 dated 23.08.2024 has informed that the land, in question, belongs to Sarju Thakur who is said to be ancestor of the petitioners. Thus, there is no concealment on the part of the petitioners that they have cheated the informant. *Prima facie*, it appears that the mutation of the land has been rejected on a nonest ground and thus, the informant has had the remedy to prefer appeal against the order of rejection but instead of taking recourse to the remedies available under the civil law in order to



wreck vengeance against the vendor, he filed the present FIR which is overwhelmingly and predominantly appears to be civil in nature. The petitioners bear fair antecedent and they undertake that they will fully co-operate in the investigation or the proceeding of this Court.

7. On the other hand, learned Advocate for the State vehemently opposed the bail application and submits that the petitioners have realized a huge amount before executing the sale deed and later on it transpired that the land belongs to P.W.D. The report of *Halka Karamchari* also confirms the position that there is a dispute with regard to land which has been sold by the petitioners.

8. Regard being had to the submissions made on behalf of the parties and considering the fact that the Circle Officer himself admitted in his letter No.1164 dated 28.03.2024 that the land belongs to ancestor of the petitioners and the FIR also suggest that prior to the purchase the informant also verified the revenue record which also suggest that it is the *khatiyani* land of the petitioners and only on being satisfied he had purchased the land, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of



receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (Ten Thousand) **each** with two sureties of the like amount each to the satisfaction of the learned CJM, East Champaran, Motihari in connection with P.S. Case No.460 of 2023 and G.R. Case No.8083 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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