

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63781 of 2024

Arising Out of PS. Case No.-19 Year-2023 Thana- KASMA District- Aurangabad

1.

Sumanti Devi Daughter of Ramudit Prasad Resident of Village - Balar, P.S. - Kasma, District - Aurangabad
2.

Ravi Kumar Son of Mahendra Prasad Resident of Village - Durwaj, P.S. - Chandauti, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners : Mr. Santosh Kumar Pandey, Advocate
For the State : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-09-2024 Heard learned counsels for the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 420, 465, 466, 467 and 468 of the Indian Penal Code.

3. As per prosecution case, on 11.04.1984, mother of informant, namely Bipati Devi, purchased a piece of land appertaining to Khata No. 24, Plot No. 1859, Area 6 decimal, from Mungeshwar Singh, Bijay Singh, Binay Singh and Sanjay Singh and thereafter, mutation took place. It is alleged that informant sold the aforesaid piece of land on 17.10.2022 to one Madhu Kumari and after few days, informant received information that co-accused Rajesh Kumar has fraudulently sold



the aforesaid piece of land to Petitioner No. 1, without any right title and possession over the land.

4. It is submitted by learned counsel appearing on behalf of the petitioners that petitioners are innocent and have falsely been implicated in this case. As a matter of fact, Petitioner No. 1 is a *bona fide* purchaser of the land in question and has purchased the same after payment of consideration money and Petitioner No. 2 is witness to the sale deed. It is further submitted that in this connection, a title suit bearing Title Suit No. 372 of 2022 has also been filed by the petitioners with regard to the fact that sale deed executed in favour of Madhu Kumari is spurious and conferring no right, title or interest and the same is *ab initio void*. Moreover, from bare perusal of the F.I.R. it is apparent that the dispute between the parties is with regard to sale and purchase of land, which is purely civil in nature. None of the acts allegedly committed by these petitioners would give rise to any criminal liability. Petitioners claim clean antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioners.

6. Considering the aforesaid facts and circumstances,



nature of dispute involved between the parties and clean antecedents of the petitioners, the prayer for grant of anticipatory bail to the petitioners is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioners be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned J.M., Aurangabad, in connection with Kasma P.S. Case No. 19 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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