

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75642 of 2023

Arising Out of PS. Case No.-667 Year-2022 Thana- PHULWARISHARIF District- Patna

1. SUNIL RAY Son of Late Parmanand Ray R/o vill - Nawada, P.S. - Phulwarisarif, Distt. - Patna
2. RUDAL KUMAR S/O SRI PAPPU RAY @ ILAKA R/o vill - Nawada, P.S. - Phulwarisarif, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar Sinha, Adv. Mr. Rajeev Kumar Sinha, Adv. Mr. Sushant Kumar, Adv.
For the Opposite Party/s :		Mr.Murli Dhar, APP
For the informant	:	Mr. Sanket, Adv. Mr. Kumar Ravish, Adv . Ms. Siddhi Aashana, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 03-04-2024 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

2. The petitioners are apprehending their arrest in a case in connection with Phulwarisharif P.S. Case No. 667 of 2022 (PTN No-BRPA02P004013/2022) dated 12.06.2022 registered for the offences punishable u/ss 406 and 420 of the Indian Penal Code.

3. As per the prosecution case, the informant purchased the land from the co-accused, Pappu Ray in the name of his wife Smt. Guriya Kumari for total consideration value of Rs. 18,76,000/- through registered sale deed. Earlier the said



land was in the name of Fuwa/ aunty of the co-accused, Pappu Ray and the same was got registered by the co-accused, Pappu Ray in the name of his wife by making his mother as his fuwa and the co-accused, Pappu Ray showed him deed at the time of purchasing the said land saying that the said land is in the name of his wife, Munni Devi then the informant made agreement to sale and paid all the amount within prescribed time of agreement for sale. Thereafter, the informant began to ask for registry from the co-accused, Pappu Ray but he started avoiding him. Later on, the co-accused admitted that the land did not belong to him but assured him that he would provide another plot. On 09.04.2019, the informant got the same registered and after the registration, when the informant visited the said land, he found that the boundary pillar was taken out from the earth by the accused persons. Upon inquiring about the incident, the petitioners and the co-accused persons abused and assaulted the informant and his wife. The accused persons also snatched the purse containing Rs. 15,000/- from the informant's wife.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. There is general and omnibus allegation against the petitioners. The specific allegation is against the co-



accused, Pappu Ray and the petitioner has no concern with the alleged offence. Learned counsel has further submitted that it is a case of civil dispute and the petitioners have no any participation in the alleged transaction. The petitioners have clean antecedent as stated in para 3 of the bail petition.

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

6. Considering the aforesaid facts and circumstances of the case as well as the material available on the record, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Patna in connection with Phulwarisharif P.S. Case No. 667 of 2022, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. This application stands allowed.

(Chandra Prakash Singh, J)

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