

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75155 of 2023

Arising Out of PS. Case No.-345 Year-2023 Thana- MOTIHARI TOWN District- East
Champaran

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1. MOST. DHARAM SHILA DEVI WIFE OF LATE RAM UMESH PANDEY, DAUGHTER OF LATE MATHURA SINGH RESIDENT OF VILLAGE- PARENTAL CHAILAHAN BABU TOLA, P.S.- BANJARIYA, DISTRICT- EAST CHAMPARAN. AT PRESENT- TAJPURWA PANDEY TOLA (TEJPURWA), P.S.- MALAHI, DISTRICT- EAST CHAMPARAN.
 2. MAHENDRA RAM SON OF BADRI RAM RESIDENT OF VILLAGE- PANDEY TOLA, P.S.- MALAHI, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rita Devi W/o Late Pramod Kumar Singh R/o vill - Chailahan, P.S. - Banjariya, Dsitt. - East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 07-03-2024 Heard learned counsel for the petitioners, learned
APP for the State and the Informant.

2. The petitioners apprehends their arrest in connection with Motihari Town P.S. Case No. 345 of 2023 registered under Sections 467, 468, 471, 34 and 120B of the Indian Penal Code lodged on 09.05.2023 by the informant, Rita Devi.

3. As per the prosecution story, the informant alleged that the piece of land which belongs to Ram Dulari Devi and was purchased by her has been sold out by the petitioner no. 1 in



which the petitioner no. 2 was the identifier. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that both are family members. The opposite party no. 2 being the sister-in-law of the petitioner no. 1 and there is civil dispute between the parties in which the criminal angle has been taken in. The further submission is that the land was sold to Shamina Khatoon as also Ram Ayodhya Kumar Yadav and Reyaz Ahmad and they were also roped in in the said case, who have since been granted bail by a co-ordinate Bench vide order dated 05.09.2023 passed in Cr. Misc. No. 57915 of 2023.

5. Learned counsel for the informant, on the other hand, submits that despite the land belonging to Ram Dulari Devi purposely, the petitioner no. 1 sold it to the other accused persons and she having purchased the other land of the petitioner no. 1 had acknowledged that the same has been done deliberately to grab the property of Ram Dulari Yadav.

6. Taking into account the submissions as also the facts on record, there is civil dispute between the family which at best can be settled before the competent Court but petitioner no. 1 being a lady having no criminal antecedent and the petitioner no. 2 the identifier who has no economic interest in



the matter and he too having no criminal antecedent, this Court is inclined to grant them privilege of anticipatory bail.

7. Let the petitioners, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Motihari Town P.S. Case No. 345 of 2023, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(iv) the petitioner shall desist from committing any



criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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