

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78840 of 2023

Arising Out of PS. Case No.-1076 Year-2021 Thana- FORBESGANJ District- Araria

1. Than Singh Bothra S/O Late Mangi Lal Bothra R/O Village- Paradise Apartment, D-148, Durga Marg, Bani Park, Jaipur (RAJASTHAN).
2. Vijay Singh Bothra S/O Late Mangi Lal Bothra R/O C-115, Ram Marg, Shyam Nagar, Jaipur (RAJASTHAN), P/R Nagar Parishad, Ward No. 04/05, P.S- Forbesganj, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rakesh Kumar Sharma
For the Opposite Party/s	:	Mr.Renu Kumari
For the Informant/s	:	Mr. Suraj Samdarshi
		Mr. Avinash Shekhar
		Mr. Rohit Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 08-01-2024 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State as well as learned counsel for the informant.

3. The petitioners are apprehending their arrest in connection with Forbesganj P.S. Case No. 1076 of 2021 dated 24.12.2021 registered for the offences punishable under Sections 419, 420, 467, 468, 471, 120B/34 of the Indian Penal



Code.

4. As per the prosecution case, the informant namely, Moolchand Golcha (being hold of power of attorney) has alleged that land bearing Jamabandi No. 59 situated in the area of Forbesganj Naga Parishad was recorded in the R.S. Khatiyani in the name of Bhawri Devi w/o Late Mangi Lal Bothra who died leaving behind her heirs namely, Kiran Nahata, Kamla Chhajer and Suman Baid. Kamla Chhajer died leaving behind her heirs as Salini Rampuriya and Shila Sindi. The petitioners got the said land mutated in their name fraudently claiming Bhawani Devi as their mother and sold the said land to different persons through registered sale deeds. The name of the petitioners mother is Jhamki Devi.

5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. The petitioners have no criminal antecedent as stated in para 3 of the bail petition. Learned counsel has submitted it is a case of civil dispute. Learned counsel has further submitted that the power of attorney is not registered in the name of the informant which does not create any right, title and interest in the said property. The petitioners are claiming the said land on the ground that they are sons of the first wife of late Mangi Lal Bothra. It is further submitted that the informant has filed an application before Commissioner, Purnea who authorized the



SDO, Forbesganj to inquire into the matter of mutation recorded in the names of the petitioners in respect of land of Khata no. 59 and accordingly, report was submitted by the SDO, Forbesganj letter No. 1144 dated 07.11.2022 and found many discrepancy in granting of power of Attorney and also found the power of attorney with attached affidavit are manipulated document.

6. Learned A.P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer of anticipatory bail of the petitioners. It is further submitted that the land in question was recorded in R.S. Khatiyani in the name of daughters of Mangi Lal Bothra. Mangi Lal Bothra was the husband of Bhavri Devi (second wife). The petitioners on the basis of unregistered partition deed dated 27.08.1996 got their names mutated by filing Mutation case without consent of daughters of Bhawri Devi.

7. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioners, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory 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, Araria in connection with Forbesganj P.S. Case No. 1076 of 2021, subject to conditions as laid down under Section



438(2) of the Code of Criminal Procedure.

8. This application stands allowed.

(Chandra Prakash Singh, J)

atul/-

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

