

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70585 of 2024

Arising Out of PS. Case No.-81 Year-2024 Thana- ARERAJ District- East Champaran

1. Subodh Tiwari S/O Ram Nath Tiwari Resident of Village- Rampur Khajuriya, P.S- Dumariyaghat, District- East Champaran.
2. Pramod Mishra S/O Bachcha Mishra R/O Village- Sareya Baduraha, P.S- Dumariyaghat, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-01-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 406, 420, 467, 468, 471, 120(B), 506 and 34 of the Indian Penal Code.

3. As per prosecution case, it is alleged that these petitioners in connivance with other co-accused persons fraudulently sold the land of informant by deceiving the informant's son and later on, they forcibly attempted to take possession over the said land and also threatened the informant with dire consequences.

4. It is submitted by learned counsel appearing on



behalf of the petitioners that petitioner no.1 is witness and petitioner no.2 is identifier of the sale deed. He further submits that there is inordinate delay of about 39 days in lodging the FIR, which itself creates doubt over the entire prosecution case . Petitioners are neither seller nor purchaser of the land in question. They are not beneficiaries of the alleged transaction. Moreover, dispute involved in this case is regarding sale and purchase of land which is purely civil in nature and informant has got alternative remedy before the court below. Petitioners claim clean antecedent.

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

6. Considering the nature of accusation, dispute, clean antecedent and aforesaid facts and circumstances, the prayer for grant of anticipatory bail to the petitioners is allowed. 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-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 5, Motihari, East Champaran in connection with Areraj P.S. Case No.81 of 2024, subject to



condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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