

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85843 of 2024

Arising Out of PS. Case No.-113 Year-2024 Thana- GOPALPUR District- West Champaran

1. Satyadev Sah @ Satyadev Prasad S/o Sri Rajaram Sah R/o vill - Sargatia Tola, Vishambhra, P.s. - Gopalpur, Distt.- West Champaran
2. Ramanand Mahto S/o Late Prasad Mahto R/o vill - Jamuniya, P.S. - Gopalpur, Distt.- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Majahar Ansari S/o Salauddin Ansari R/o vill - Sargatiya, ward no. 8, P.s. - Gopalpur, Distt.- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Sharad Kumar Verma, Advocate
For the State	:	Mr. Dilip Kumar No. 1, APP
For Opposite Party No.2	:	Mr. Krishna Pd. Singh, Sr. Advocate
		Mr. Sanobar Shahnaz, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 12-02-2025 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 319(2), 316(1), 338, 336(3), 340(2), 352, 351(2), 351(3), 61(1) and 2(1) of the B.N.S..

3. As per prosecution case, it is alleged that on 12.02.2024, Petitioner No. 1 fraudulently got executed 1 Katha 10 Dhur land of the informant by impersonating the informant/Opposite Party No. 2 in his favour in which Petitioner No. 2 is identifying witness. It is further alleged that on



26.06.2024 when the informant/Opposite Party No. 2 went to the accused persons and asked to release the land, they abused and threatened him.

4. It is submitted by learned counsel appearing on behalf of the petitioners that petitioners are quite innocent and have committed no offence. They are simple victims of false implication. Petitioner No. 1 is *bona fide* purchaser and Petitioner No. 2 is witness to the sale deed in question. From bare perusal of the F.I.R. it would be apparent that the informant/Opposite Party No. 2 is not an aggrieved person as he does not claim right or title over the land in question. Petitioner himself stands cheated as he sustained wrongful loss as the land was not transferred by the genuine owner. Moreover, from bare perusal of the F.I.R. it is apparent that the dispute is civil in nature, relating to sale and purchase of land.

5. On the other hand, learned A.P.P. for the State and learned senior counsel appearing on behalf of the informant have vehemently opposed the prayer for grant of anticipatory bail to the petitioners and submitted that petitioners are named in the F.I.R. and there is specific accusation that they committed fraud. It is further submitted that within 10 days of purchase of the land in question, Petitioner No. 1 sold the land to someone



else which itself goes to show the intention of the petitioner.

6. Considering the aforesaid facts and circumstances and nature of accusation, 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 Judicial Magistrate, 1st Class, Bettiah, West Champaran in connection with Gopalpur P.S. Case No. 113 of 2024, subject to condition as laid down under Section 482 of the B.N.S.S..

(Prabhat Kumar Singh, J)

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