

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36730 of 2015

Arising Out of PS.Case No. -351 Year- 2014 Thana -DUMRA District- SITAMARHI

1. Sudhir Kumar Thakur S/o Yogendra Thakur R/o Riga Tole Yogwana,
P.S. Riga, District - Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar

.. Opposite Party/s

with

Criminal Miscellaneous No.39331 of 2015

Arising Out of PS.Case No. -351 Year- 2014 Thana -DUMRA District- SITAMARHI

1. Pramila Devi, wife of Late Nand Kishore Sharma, resdent of village-
Shivaipatti, P.S.- Bajpatti, District- Sitamarhi, presently residing at
Ward no.16, Laxmana Nagar, P.S.- Sitamarhi, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.36730 of 2015)

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Madan Kumar(App)

(In Cr.Misc. No.39331 of 2015)

For the Petitioner/s : Mr. Ashhar Mustafa

For the Opposite Party/s : Mr. Subhash Chandra Mishra (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-09-2015

Heard learned counsels for the petitioners and
the State.

Petitioners are apprehending their arrest in a
case registered for the offences punishable under Sections 406,
419, 420, 467, 468, 471, 120B/34 of the Indian Penal Code.

The prosecution case is that the mother of the
informant Binda Devi executed a gift deed on 06.09.1962, whereby 45
acres, 91 decimals land situated in village-Riga were gifted

to the elder sister of the informant Padma Choudhary. Padma Choudhary accepted the same and came in possession of the gifted land. Padma Choudhary thereafter handed over the property to her brother Manoj Ranjan Singh to take care of the same. The informant was residing outside the country and on his superannuation when he came back to his native place in 2013 he tried to locate the land then it was found that Pramila Devi in connivance with Yogendra Thakur, the Manager of the Estate impersonated Padma Devi and executed the sale deeds in favour of others. It is alleged against petitioner Sudhir Kumar Thakur that he was witness to one of the sale deeds.

It is submitted by learned counsel for the petitioners that initial complaint was filed by Padma Choudhary being Complaint Case No. 1145 of 2014 which came to be registered as police case being Riga P.S. Case No. 132 of 2014, wherein the accusation has been levelled against Yogendra Thakur, the Manager of the Estate, informant's own brother Manoj Ranjan Singh and others alleging therein that sale deeds were executed by impersonating informant (Padma Choudhary) by committing forgery. Subsequently Padma Choudhary retracted from the initial version and filed a petition before learned Chief Judicial Magistrate, Sitamarhi that Riga P.S. Case No. 132 of 2014 was filed by her at the instance of her brothers and she is no way connected with the alleged land. The said petition has been brought on record as Annexure-6 to the petition. After filing of Riga P.S. Case No. 132 of 2014, the



son of the petitioner Pramila Devi namely Shiv Kumar lodged Complaint Case No. 1571 of 2014 on 26.08.2014 alleging therein that Yogendra Thakur and brother of Padma Choudhary, Manoj Ranjan Singh and his wife namely Nileema Ranjan Singh and others took her to the registry office to sign as a witness but got her sign as Padma Choudhary in the vendor's column. The petitioner Pramila Devi has also filed Title Suit No. 463 of 2014 on 10.12.2014 with a prayer to declare the alleged sale deeds described in Schedule-I of the plaint as forged and fabricated which were executed without payment of any consideration amount.

It is further submitted by learned counsel for the petitioners that petitioner Pramila Devi being illiterate lady was misled to sign as Padma Choudhary in the sale deed and the bona fide of the petitioner Pramila Devi gets apparent not only from the fact that son of the petitioner lodged criminal case immediately disclosing the entire fact how forgery was done primarily by Yogendra Thakur and brother of Padma Choudhary namely Manoj Ranjan Singh but also filed Title Suit No. 463 of 2014 for declaring the sale deeds as fraudulent transaction. So far as petitioner Sudhir Kumar Thakur is concerned, he is witness to one of the sale deeds.

Considering the nature of accusation, this Court is not inclined to grant anticipatory bail to the petitioner Pramila Devi, but it is a case for consideration of prayer for regular bail. Let learned Court below consider the prayer for

regular bail of petitioner Pramila Devi, preferably dispose of the application of regular bail on the same day, keeping in view of the fact that she is lady and her bona fide gets apparent from the fact that she filed title suit for declaring the sale deed as forged transaction and there is nothing on record to suggest that she received any consideration amount, moreover the actual land owner Padma Devi has retracted from the initial accusation, if petitioner Pramila Devi surrenders within a period of six weeks in connection with Dumra P.S. Case No. 351 of 2014, pending in the Court of learned Chief Judicial Magistrate, Sitamarhi.

With the observations above, the application with regard to petitioner Pramila Devi stands disposed off.

Considering the fact that petitioner Sudhir Kumar Thakur is only witness to one of the alleged sale deeds, let the petitioner Sudhir Kumar Thakur, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Dumra P.S. Case No. 351 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Shageer/-

(Dinesh Kumar Singh, J)

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