

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27362 of 2014

Arising Out of PS.Case No. -1333 Year- 2013 Thana -SARAN COMPLAINT CASE District-
SARAN

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1. Bimla Devi, Wife of Rabindra Singh
2. Rabindra Singh, Son of Sudishta Singh
Both Residents of Village- Bishwambharpur, P.S.- Garkha, District-
Saran.

..... Petitioner/s
Versus

The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioners : Mr. Nagendra Rai, Advocate

For the State : Mr. Binod Kumar-II (APP)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

6 05-01-2015 Heard learned counsel for the petitioners and
learned counsel for the State.

The petitioners seek privilege of pre arrest bail
apprehending their arrest in connection with Complaint Case
No. 1333 of 2013 registered for the offences alleged under
Sections 420/34 of the Indian Penal Code pending in the Court
of Sri Brajesh Kumar, J.M., Ist Class, Chapra vide Trial No.
4351 of 2014.

Allegedly, the petitioner no. 1 Bimla Devi got
executed a deed of will in her favour by the father of the
complainant Jagdish Singh on which petitioner no. 2 Rabindra



Singh became witness and identifier. After two years of death of the father of the complainant, Bimla Devi sold the above land to co-accused Haidar Ali without getting Probate of the will on which co-accused is witness. Accused Sudisht Singh being father-in-law was also involved in the conspiracy. Later on Bimla Devi filed Probate case which was dismissed by the learned A.D.J.-I, Saran on the ground that Jagdish Singh had a daughter namely Uma Devi and concealing this fact the deed of will was executed.

Submission at the bar for pre arrest bail of the petitioners is that against the dismissal order Miscellaneous Appeal has been filed, wherein by order dated 24.09.2013 order has been passed to maintain status quo and further this appeal has been admitted and as such the petitioners deserve sympathetic consideration for pre arrest bail to which the learned counsel for the complainant opposes by submitting that deed of will was got executed after concealing the fact that Jagdish Singh has a daughter.

As the civil dispute is going on between the parties and as such in case of surrender or arrest before the court below within one month from the date of communication of this order the petitioners Bimla Devi and Rabindra Singh shall be released on bail on execution of bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Sri Brajesh Kumar, J.M., Ist Class, Chapra

in connection with Complaint Case No. 1333 of 2013, Trial No.
4351 of 2014 with condition as laid down under Section 438(2)
Cr.P.C.

(Jitendra Mohan Sharma, J)

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