

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17451 of 2015

Arising Out of PS.Case No. -55 Year- 2014 Thana -BHABHUA District- BHABHUA (KAIMUR)

1. Mangal Chaubey, S/o Late Sudama Chaubey
2. Sarvajeet Chaubey, S/o Late Sudama Chaubey
3. Birendra Kumar Bind @ Birendra Kumar @ Birendra Kumar Bind, S/o
Banshi Bind
4. Arun Kumar Yadav, S/o Mishri Yadav
5. Rajendra Singh, S/o Late Mahesh Singh
All Residents of Village Saitha, P.S. Sonhan, District Kaimur at Bhabua.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.20046 of 2015

Arising Out of PS.Case No. -55 Year- 2014 Thana -BHABHUA District- BHABHUA (KAIMUR)

1. Bashishtha Bind
2. Hriday Narayan Bind
3. Santosh Bind
4. Lallan Bind
All are S/o Kanta Bind
5. Vijay Bind
6. Manoj Bind
Both are S/o Baijnath Bind
All are Resident of Village-Bajrahan, P.S. Kudra, District Kaimur (Bhabua).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.17451 of 2015)

For the Petitioners : Mr. Vikramdeo Singh, Advocate
For the S t a t e : Mr. Ram Chandra Singh(APP)
For the informant : Mr. Naresh Kumar Chhabra, Advocate
Mr. Surendra Kumar Singh, Advocate
Ms. Tulika Singh, Advocate

(In Cr.Misc. No.20046 of 2015)

For the Petitioners : Mr. Alok Kumar Jha, Advocate
For the S t a t e : Mr. Md. Aslam Ansari (APP)
For the informant : Mr. Surendra Kumar Singh, Advocate
Ms. Tulika Singh, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 28-09-2015

Since both the criminal miscellaneous applications arise out of the same police station case, with consent of the parties, they have been heard together and are being disposed of by this common order.

Heard learned counsel for the petitioners and the learned counsel for the informant as well as learned counsel appearing on behalf of the State.

The petitioners are apprehending their arrest in connection with Bhabua P.S. Case No.55 of 2014 registered for the offences under Sections 420, 467, 468, 471 and 120B of the Indian Penal Code, pending in the court of the learned Chief Judicial Magistrate, Kaimur at Bhabua.

The allegation against these petitioners is that they have fraudulently purchased lands from one Dhvani Agrawal, who had nothing to do with the property belonging to the family of the informant, namely, Sudha Agrawal, and her other three sisters.

History of the case is that the brother of the informant had been murdered in the year 2001 and thereafter his wife Dhvani Agrawal had gone away from Bhabhua and being



ordinarily a resident of Jhanshi had re-married with Sanjay Bansal and came to be known as Kriti Bansal. Out of the said marriage, a child was also born in the year 2003. It was submitted by the informant that thereafter she never returned to Bhabhua. Subsequently, in the year 2003, the father and mother of the informant were also murdered. In the said case one Sanjay Tiwary, who came to be the main accused, was tried and death sentence was imposed on him but, on appeal, the same was reduced to life imprisonment.

Learned counsel for the informant submits that after the death of her parents, the informant and other three sisters were living in different parts of the country and these lands had been mutated in their favour and they are in possession of the property belonging to the family. The same property also came to be donated to Ram Janki Temple and for almost a decade, the same remained as such. However, in the year 2014, the petitioners got executed a sham sale deed in their favour by said Dhvani Agrawal, though she had no locus to do the same.

Learned counsel for the State after perusing the case diary has submitted that there is sufficient material in the case diary so as to point finger at these petitioners as they had been the employees of Late father of the informant and they had

also a greedy eye on the property and it was their well thought scheme, that ended in the present sale deeds. He has further submitted that several persons and the witnesses, including *Pujari* of Ram Janki Temple, have stated that these petitioners had the role to play in the execution of the sale deed, which was nothing but a sham document.

Considering the aforementioned facts and circumstances and also that some of the petitioners were earlier accused in the murder of the parents of the informant and that the sale deeds appear to be questionable documents, this Court is not inclined to grant anticipatory bail to these petitioners.

Both the miscellaneous applications are, accordingly, dismissed.

(Anjana Mishra, J)

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