

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38109 of 2017

Arising Out of PS.Case No. -494 Year- 2015 Thana -MADHEPURA COMPALINT CASE District-
MADHEPURA

=====

1. Neelam Devi @ Meera Kumari W/o Birendra Thakur
2. Manikant Thakur S/o Sri Birendra Thakur Both, residents of Village
Jairam Parsi, P.S. - Gwalpara, District - Madhepura at present resident of
Village - Maldiha, P.S. Barhara Kothi, District - Purnia.
3. Kritnarain Thakur S/o Late Dukha Thakur, Resident of Village - Jairam
Parsi, P.S. - Gwalpara, District - Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Awadhesh Kumar S/o Gajendra Pd. Thakur, Resident of Village - Jairam
Parsi, P.S. - Gwalpara, District - Madhepura.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Adv.

For the Opposite Party/s : Sri Abhay Kumar – 1, APP

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 17-08-2017 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners apprehend arrest in connection with
Complaint Case No. 494C of 2015 registered for the offences
under sections 420, 467, 468, 120-B and 504 of the Indian Penal
Code.

The complainant has alleged that petitioner no. 1
impersonating the deceased sister, namely, Meera Devi, executed
a sale deed in favour of Kritnarain Thakur, petitioner no. 3 and on
the said sale deed, petitioner no. 2, Manikant Thakur attested the



document being the son of Neelam Devi. The matter was enquired and the learned Court below took cognizance.

It has been submitted that the father of petitioner no. 1 had executed the deed of gift on 12.02.1998 in favour of his daughter Meera Kumari, which is alias name of Neelam Devi and on the basis of that document, she is in peaceful possession over the said land. She voluntarily executed the sale deed in favour of the petitioner no. 3 and the petitioner no. 2 attested the said document being her son. The allegation of impersonation has been levelled only to make out a case under sections 420, 467 and 468 of the Indian Penal Code. In the facts and circumstances of the case, no case is made out against the petitioners and so, the petitioners deserve anticipatory bail.

The learned Additional Public Prosecutor on the other hand, opposed the submission.

On perusal of documents filed on behalf of the petitioners it appears that petitioner no. 1 executed a sale deed on 24.08.2015 and admitted its registration before the Sub-Registrar. In the sale deed, she has described herself also as her alias name Meera Kumari. The document was attested by her son, petitioner no. 2. The dispute between the parties appears to be civil in nature and the petitioner claims to be the sole owner of the land in



question by virtue of registered documents.

Considering the nature of allegation, facts and circumstances, as stated above, this application for anticipatory bail is allowed.

Let the petitioners, above named, in the event of arrest or surrender before the court below within a period of six weeks, be released 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 the learned Sub-Divisional Judicial Magistrate, Uda-Kishunganj, District-Madhepura in connection with Complaint Case No. 494C of 2015, subject to the condition as laid down under Section 438 (2) of the Criminal Procedure Code.

(Sanjay Kumar, J)

Mahesh/-

U		T	
---	--	---	--

