

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7021 of 2018

Arising Out of PS.Case No. -1409 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Arun Kumar @ Munna Kumar @ Anil Kumar, S/o Late Hari Nath Mahton,
 2. Anjali Devi, W/o Arun Kumar @ Munna Kumar @ Anil Kumar, Both are resident of Pitambra Mandir Colony, P.S.-Alamganj, Dist.-Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Vinod Kumar Mehta @ Anil Kumar Mehta, S/o Late HariNath Mahton, Resident of Pitamber Mandir Colony, P.S.-Alamganj, Dist.-Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tilak Sao

For the Opposite Party/s : Mr. Anant Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 27-02-2018 Heard learned counsels for the petitioners, informant as well as learned Additional Public Prosecutor for the State.

The complainant and the petitioner no. 1 are full brother. Petitioner no. 2 is wife of petitioner no. 1. As per complaint petition, the petitioner no. 1 impersonated himself as Anil Kumar Mehta and sold his two katha land in favour of co-accused Manju Singh. Petitioner no. 1 further executed sale deed in favour of his wife (petitioner no. 2). The actual name of petitioner no. 1 is Arun Kumar @ Munna Kumar. The complainant Binod Kumar is known as Anil Kumar. This Fact finds support from Annexure-F of the counter affidavit which is a copy of vakalatnama executed by the complainant and his brother, petitioner no. 1 filed in JPS – 08/2003 on 21.04.2003 in the court of Sub-Judge-II,



Patna City. It appears that the said vakalatnama has been marked as exhibit 2 in Complaint Case No. 177(c)/2011. The complainant had acquired the said land from one Rudal Singh by virtue of registered sale deed dated 13.11.1981. In the said sale deed it is mentioned that an amount of Rs.1,000/- was given to the vendor before the Sub-Registrar. A copy of said sale deed has been annexed as Annexure-D to the counter affidavit. The allegation of cheating and impersonating is specific and finds support from the documents produced by the complainant as per annexure of counter affidavit. The prayer of petitioner no. 1 for anticipatory bail is therefore rejected. So far petitioner no. 2 is concerned, the allegation of conspiracy appears omnibus, having regard to which, her prayer for anticipatory bail is allowed.

Let petitioner no. 2 Anjali Devi in the event of arrest or surrender before the learned court below within six weeks from today, be enlarged on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Patna City in connection with Complaint Case No. 1409 of 2015, subject to conditions as laid down under section 438(2) Cr.P.C.

(Sanjay Kumar, J)

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