

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23852 of 2018

Arising Out of PS.Case No. -1204 Year- 2017 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

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1. Arun Pandey son of Late Chandradev Pandey
 2. Deepak Raj Pandey son of Arun Pandey
 3. Vicky Kumar Pandey son of Arun Pandey All residents of Village - Bediban, P.O. and P.S. Pipra, District - East Champaran.
 4. Kameshwar Pandey son of Late Vishwanath Pandey resident of Village - Fatahpur, P.O. and P.S. - Sheohar, District - Sheohar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shobha Devi wife of Janardan Pandey Resident of Village - Bediban, Madhuban, P.O. and P.S. - Pipra, District - East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar
For the Opposite Party/s : Mr. Sri Shyam Bihari Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 06-07-2018

Heard both sides.

The petitioners apprehend their arrest in Complaint case No. 1204C/2017 under Section 420, 467, 468, 471, 120(B), 323 and 504 of the Indian Penal Code.

The gist of the allegation is that complainant Shobha Devi alleged that Ramkali Devi, wife of Ram Narayan Pandey, cousin of her father in law Ramchandra Pandey, executed a deed of will with regard to land of Khata No.297, Plot NO. 2187, 2188, 2189 and 2190. Ramkali Devi died in the year 2001. Sobha Devi filed Probate Case No. 19/10. The will was probated and letter of administration was issued in favour of Sobha Devi but Arun Pandey executed a deed of gift in favour of Anshu Kumar, under the guardianship of Kameshwar Pandey.



The learned counsel for the petitioner submits that Arun Pandey got share in the land as he happens to be son of Sister of the husband of the complainant.

On the other hand, learned counsel for the complainant submits that in Probate Case no. 19/2010, Arun Pandey was one of the parties, who objected the probate of will but the will was probated and letter of administration was issued. Arun Pandey knowing fully well that he did not have any share in the property of Ramkali Devi fraudulently executed a deed of gift in favour of Anshu Kumar under the guardianship of Kameshwar Pandey. Deepak Raj Pandey, petitioner no. 2 and Vicky Kumar, petitioner no. 3 are sons of Arun Pandey. Petitioner no. 4, Kameshwar Pandey is the guardian of Anshu Kumar in whose favour gift deed was executed by Arun Pandey.

It appears that it was Arun Pandey, who objected the Probate case but even then will was probated but he executed the gift deed in favour of Anshu Kumar. The complainant did not make any sorts of allegation against petitioner no. 2, 3, and 4 except that they assaulted the complainant.

On the face of it appears that it was Arun Pandey who fraudulently executed the deed of gift.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner no. 1, Arun Pandey on anticipatory bail. Accordingly, the same is rejected.

So far as petitioner no. 2, Deepak Raj Pandey, petitioner no. 3 Vicky Kumar and petitioner no. 4 Kameshwar Pandey, is concerned there is no allegation against them that they played any role or committed any forgery in execution of deed of gift in favour of Anshu kumar.



Considering the facts aforesaid and the nature of allegation made against the petitioners nos. 2, 3 and 4, the petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, East Champaran, Motihari in connection with Complaint case No. 1204C/2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

BKS/Rajan

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