

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13608 of 2019

Arising Out of PS. Case No.-205 Year-2018 Thana- VAISALI COMPLAINT CASE District-
Vaishali

-
1. Ranjan Kumar son of Ramlalit Rai, Resident of village-Lalpokhar Dighi, P.S.-Hajipur, District-Vaishali.
 2. Ronit Chaudhary Son of Late Mohan Prasad Chaudhary, Resident of village-Hathsarganj, P.S.-Hajipur Town, District-Vaishali.
 3. Suchita Pandey Wife of Subodh Kumar Pandey, Resident of village-Sahbajpur, P.S.-Hajipur Sadar, District-Vaishali.
 4. Umesh Kumar Rai Son of Late Sudarshan Rai, Resident of village-Kalyanpur, P.S.-Sonepur, District-Saran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dinesh Kumar Son of Late Rajendra Prasad Chaudhary, Resident of Hathsarganj, P.S.-Hajipur, District-Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar
For the Opposite Party/s : Mr.Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 07-03-2019 Heard Mr. Yogesh Chandra Verma, learned senior
counsel for the petitioners, Mr. Baxi S.R.P. Sinha, learned senior
counsel for the complainant as well as learned APP.

The petitioners apprehend their arrest in Complaint
Case No.205 of 2018 registered under Sections 323, 341, 384,
427, 504, 387, 420, 467, 468, 471 and 120(B) of the Indian
Penal Code.



The complainant alleged that the petitioners took his son to Kolkata on the pretext to provide job in Shipyard and fraudulently got Power of Attorney in their favour to transfer the land. The petitioners also executed some sale deeds. It is further alleged that the accused persons also got signature of the son of complainant on plain paper.

Learned senior counsel for the petitioners submits that the son of complainant executed Power of Attorney and authorized the petitioners to execute sale deeds with regard to his land. It is further submitted that if the son of complainant has got no title over the land for which Power of Attorney was executed, the transferee would get no title. The entire dispute is of civil nature and there is no criminality in the acts of the petitioners to get Power of Attorney executed with the consent of the son of complainant.

Learned senior counsel for the complainant vehemently opposed the prayer for anticipatory bail of the petitioners and submits that the petitioners fraudulently got the Power of Attorney on the pretext of providing job. No consideration amount was paid to the son of complainant. The Power of Attorney was registered at Kolkata and it has got no value in the eye of law under the Registration Act. It is further



submitted that one of the accused has already been arrested and petitioner no.4 has got criminal antecedent, therefore, the petitioners do not deserve anticipatory bail.

From perusal of the contents of the complaint petition, it appears that the complainant simply alleged that petitioners took his son to Kolkata and on the pretext of providing job in Shipyard the petitioners got Power of Attorney and got the same registered. The complainant has got every right to challenge the Power of Attorney deed and the sale deeds executed in pursuance thereof on account of fraud, coercion and no consideration. If the son of complainant has got no title over the land, the transferee shall not get any title by such execution of sale deeds or Power of Attorney. It appears that the dispute is of civil nature.

Having considered the facts aforesaid, the above named petitioners, 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 bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge IInd-cum-Special Judge, Hajipur, Vaishali in connection with Complaint



Case No.205 of 2018, subject to the conditions as laid down
under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

Harish/-

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

