

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78302 of 2019

Arising Out of PS. Case No.-370 Year-2018 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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Rajanti Devi, aged about 25 years, (female), wife of Hira Lal Singh, resident of
Village- Sukhibigha, P.S.-Rampur, Chauram, District- Arwal.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Saroj Kumar Das, aged about 25 years, son of Late Haro Das, resident of
village- Ranapur, P.S. Rampur, Chauram, District- Arwal

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Anant Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 26-08-2020

The matter has been heard *via* video conferencing due
to circumstances prevailing on account of the COVID-19
pandemic.

2. Heard Mr. Vijay Kumar Singh, learned counsel for
the petitioner and Mr. Anant Kumar, learned Additional Public
Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with
Complaint Case No.370(C) of 2018 dated 19.11.2018, instituted
under Sections 323, 420, 468, 469, 471, 504/34 of the Indian
Penal Code.

4. The allegation against the petitioner is that she has
got the land registered by the brother of the Complainant



fraudulently by getting someone else to pose as his brother since the brother of the Complainant was missing for the last fifteen years.

5. Learned counsel for the petitioner submitted that the petitioner is a *bona fide* purchaser of the land of share of the brother of the Complainant through registered sale deed, which was executed by the right person and after paying full consideration amount the same was done. It was submitted that, thus, the same is purely a civil dispute and the criminal complaint case itself not being permissible, she should be granted anticipatory bail.

6. At this juncture, the Court drew the attention of learned counsel for the petitioner to order dated 02.12.2019, which reads as under:

“As prayed for by the learned counsel for the petitioner, list this case after three weeks when the petitioner would file affidavit of her vendor, especially in view of the allegation that the complainant claims that his brother who is said to be vendor of the petitioner is missing since last 15 years and some fictitious person has impersonated himself as brother of the complainant.

List this matter on 07.01.2020”.

7. The Court asked the learned counsel for the petitioner as to whether such affidavit was filed, which was required to be done latest by 07.01.2020, he submitted that the



same has not been done.

8. Learned APP submitted that the complaint discloses criminal conduct as a different person has executed the sale deed claiming to be the executant, which clearly is a criminal act.

9. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds that the mere fact that the petitioner, who had undertaken to file an affidavit in terms of what has been recorded in the order dated 02.12.2019, as quoted above, and the same not being done, is a clear indication that the allegations may not be incorrect. Further, if there is a categorical stand of brother of the so called vendor that he was missing for the last fifteen years and still the sale deed being executed by a person, who is not the person, who claims himself to be the brother of the complainant, which obviously was after getting a copy of the sale deed which also has the photograph of the vendor and taking a categorical stand that he was not his brother, as claimed, which has also not been rebutted in terms of what was undertaken by learned counsel for the petitioner himself before the Court on 02.12.2019, is further an indication of the fact that allegations of an unconnected person claiming himself to be the



brother of the Complainant and executing the sale deed, definitely would amount to a criminal act. However, the Court has observed the aforesaid only for the purpose of forming a tentative view in the matter for considering the present application for anticipatory bail. The same shall not be taken as a finding of the Court, which, obviously, would be decided by the Court concerned during the trial.

10. For reasons aforesaid, the Court is not inclined to grant any indulgence to the petitioner.

11. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

J. Alam/-

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