

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85827 of 2019

Arising Out of PS. Case No.-101 Year-2019 Thana- JALALPUR District- Saran

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1. Ramdas Giri S/o Late Birendra Giri Resident of Village- Sakaddi, P.S.- Jalalpur, Dist- Saran (Chapra)
 2. Kiran Kumari D/o Ramdas Giri Resident of Village- Sakaddi, P.S.- Jalalpur, Dist- Saran (Chapra)

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai

For the Opposite Party/s : Mr. Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 24-02-2020 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Jalalpur P.S. Case No. 101 of 2019 registered for the offences punishable under Sections 420, 467, 468, 471, 120(B) of the Indian Penal Code.

The allegation against the petitioners as per First Information Report is that the accused no.1 fraudulently created a document of Dharamnath Temple, Chapra showing the petitioner no.2 as the wife of Rabindra Puri @ Rabindra Bharti i.e. informant and taking advantage of the same, accused no.1 opened a joint bank account with the mother of the complainant



and petitioner no.2 withdrew entire amount belonging to the mother of the complainant after her death. It has further been alleged that accused no.1 hatched a conspiracy and got a will executed in his name and the name of his wife Kiran Kumari posing her as wife of the informant.

Learned counsel appearing on behalf of petitioners submits that petitioners have falsely been implicated in this case inasmuch as from perusal of the complaint-cum-F.I.R. it would be evident that there is dispute between two brothers i.e. complainant Rabindra Puri and Bijendra Puri. He further submits that a case under Sections 498 and 494 I.P.C. was lodged by wife of the accused no.1 Ravindra Puri in which defence was taken by accused no.1 Bijendra Puri as well as complainant that Kiran Kumari was not married to Bijendra Puri rather she was married to complainant Rabindra Puri. Learned counsel for the petitioners further submits that the mother of the complainant by love and affection has executed a will in favour of the complainant as well as Kiran Kumari and not in favour of accused no.1 Bijendra Puri. He further submits that the mother of the complainant on her free will allowed the petitioner no.2 be added as a joint account holder in her account and the alleged marriage certificate created by accused no.1 was not relevant for



opening of the joint bank account in the name of the complainant's mother and petitioner no.2. He further submits that there is no allegation against the father of petitioner no.2 i.e. petitioner no.1 in the entire complaint.

On the other hand learned counsel appearing on behalf of complainant-cum-informant vehemently opposes the prayer for anticipatory bail to the petitioners and submits that petitioner in connivance with the accused no.1 have played fraud and created a forged document of marriage of petitioner no.2 with the complainant and taking advantage of the same have got executed a will in by the complainant's mother and also opened the joint bank account alongwith the mother of the complainant.

Having heard learned counsel for the parties and taking into consideration the fact that the will executed by the mother of the complainant is under probate and the mother of the complainant has given some property in favour of the complainant and further it appears that there is dispute between the family members relating to the will and the bank account, I am inclined to grant anticipatory bail to these petitioners.

Accordingly, let the petitioners, above named, in the event of his arrest or surrender before the court below within a



period of four weeks from the date of receipt/production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Chapra, Saran in connection with Jalalpur P.S. Case No. 101 of 2019, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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