

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31890 of 2020

Arising Out of PS Case No.-714 Year-2019 Thana- CHAPRA TOWN District- Saran

1. Vimla Devi @ Bimla Devi, Female, aged about 62 years, Wife of Late Uma Shankar Singh, Daughter of Late Ramayan Singh.
2. Vijay Kumar Singh, Male, aged about 34 years, Son of Late Uma Shankar Singh.

Both are resident of Village- Sengar Tola, Police Station- Revilganj, District- Saran. At present residing at Village- Rauja, Sheonagari, Police Station- Chapra Town, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Narain, Sr. Advocate with Dr. Rajesh Kumar Singh, Advocate
For the State	:	Mr. Md. Arif, APP
For the Opposite Party/s	:	Mr. Yashraj Bardhan, Advocate

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 09-03-2021

Heard Mr. Rajendra Narain, learned senior counsel along with Dr. Rajesh Kumar Singh, learned counsel for the petitioners; Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Yashraj Bardhan, learned counsel for the informant.



2. The petitioners apprehend arrest in connection with Town (Chapra) PS Case No. 714 of 2019 dated 01.12.2019, instituted under Sections 420, 467, 468, 471, 504, 506 and 120 of the Indian Penal Code.

3. The allegation against the petitioners is that the petitioner no. 1 executed sale deed in favour of various persons of lands which, though coming from a common ancestor of the informant and the petitioners was, under a compromise duly filed in a title suit before a Court of law has been allotted in the share of the branch of the informant. Petitioner no. 2 is the son of the petitioner no. 1, who is the executant of the sale deed and he is also a witness on the said sale deed.

4. Learned counsel for the petitioners submitted that from the *Khatiyani*, it is clear that the ancestor is common and further that the land which has been sold cannot be said to be alien to the petitioners' family and, thus, even if it is assumed that there has been some error in transferring such land, at best, it will be a civil dispute as the partition has to be formal, which has still not been done. It was further submitted that even in the initial complaint which was filed, which has been sent by the Court resulting in institution of the present FIR, there is no averment that the petitioners had no semblance of title over the land. Learned



counsel submitted that one of the witnesses namely, Prabhat Kumar Singh has been granted anticipatory bail by a co-ordinate Bench by order dated 25.11.2020 passed in Cr. Misc. No. 27732 of 2020 and the purchaser Binay Kumar has been granted anticipatory bail by a co-ordinate Bench by order dated 20.01.2021 passed in Cr. Misc. No. 27462 of 2020. Learned counsel submitted that the petitioner no. 1 is an aged lady and further that the petitioners have no criminal antecedent.

5. Learned APP submitted that the petitioners have transferred lands which already stood allotted in the share of the other branch i.e., of the informant.

6. Learned counsel for the opposite party no. 2- informant submitted that the compromise was filed between the two sides in Cr. Revision No. 52 of 1996 on 22.04.1997, in which the husband of the petitioner no. 1 and father of petitioner no. 2 was also a signatory. Thus, it was submitted that there cannot be any occasion for any confusion and the present transaction is totally fraudulent. Learned counsel submitted that the persons who have been granted anticipatory bail were either witness of the sale deed or purchaser who themselves had been defrauded and have no role in such fraudulent act as they had no occasion to know about the land being already allotted in the share of the informant.



7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioners.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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