

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38358 of 2020

Arising Out of PS. Case No.-336 Year-2018 Thana- ATHMALGOLA District- Patna

1. RITESH KUMAR Son of Muneshwar Das Resident of Village - Alipur Budhra, Police Station - Athmalgola, District - Patna
2. Niranjana Kumar Son of Muneshwar Das Resident of Village - Alipur Budhra, Police Station - Athmalgola, District - Patna
3. Kumkum Devi Wife of Muneshwar Das Resident of Village - Alipur Budhra, Police Station - Athmalgola, District - Patna
4. Muneshwar Das Son of Late Mishri das Resident of Village - Alipur Budhra, Police Station - Athmalgola, District - Patna

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No.1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 08-07-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 22.12.2020, within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State through video conferencing.

The petitioners apprehend their arrest in connection with Athmalgola P.S. Case no. 336 of 2018, registered under Sections 385, 406, 419 and 420/34 of the Indian Penal Code.



The accusation is that informant Santosh Kumar Singh used to reside at Mandi Govindgarh at Punjab and his other family members used to reside at Delhi, only his old mother used to reside in his village-Budhra, P.S. Athmalgola, District-Patna. In absence of the informant, Anjani Abhiraj, son of Devendra Rai, who is Compounder by profession, used to visit at his house. It is alleged that Anjani Abhiraj along with Ritesh Kumar (Petitioner No.1) and Kumkum Devi (Petitioner No.3) came at his house and asked to his mother to accompany them for taking benefit of Indira Awas Yojana. On 28.11.2018, they accompanied his mother Most. Munni Devi at State Bank of India, Sabnima branch and took her thumb impression on several papers and from there they took his mother, boarding on tempo, at Barh Court, where they also took her thumb impression on papers and they also managed to get photographs of his mother and all returned to house. On 04.12.2018, Anjani Abhiraj asked to his mother that money of Indira Awas Yojana has come in her account and requested to go to Bank and Anjani Abhiraj accompanied his mother at Bank and took thumb impression Muneshwar Das (Petitioner No.4), is Sub-Inspector and posted at Sonpur Mela. After some time, rumor spread in the village that Anjani Abhiraj and



Kumkum Devi (Petitioner No.3), wife of Muneshwar Das (Petitioner No.4), without payment of consideration amount, managed to get sale-deed executed from his mother in respect of 02 katha and 6.5 katha of land. When he verified the pass-book of his mother then came to know that on 28.11.2018, Rs.7,70,000/- was deposited by Muneshwar Das (Petitioner No.4) and Niranjana Kumar (Petitioner No.2), but, later on, on 04.12.2018, Rs. Six lakhs was managed to transfer by Anjani Abhiraj in his account from the account of his mother.

Learned counsel for the petitioners submits that, in fact, petitioner No.1 Ritesh Kumar and petitioner No.2 Niranjana Kumar are sons of Petitioner No.3 Kumkum Devi and on negotiation land, as detailed in the F.I.R., of Most. Munni Devi, mother of informant, was purchased by Muneshwar Das in the name of his wife Kumkum Devi (Petitioner No.3) on payment of Rs. 7,70,000/-, which has come in the F.I.R., on which petitioner No. 1 Ritesh Kumar and petitioner No.2 Niranjana Kumar have only put their signatures as witnesses, but, later on, informant lodged the present case. Further submission is that it would appear from the F.I.R. that Anjani Abhiraj, who is said to be managed to transfer Rs. Six lakh from the account of mother of informant in his account has no



concerned with the petitioners. Moreso, the dispute as detailed in respect of the petitioners about managing to execute the sale deed in favour of petitioner No.3 from Most. Munni Devi is of civil in nature. The petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M, Barh, Patna in connection with Athmalgola P.S. Case No. 336 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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