

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6572 of 2021

Arising Out of PS. Case No.-292 Year-2020 Thana- KAUWAKOL District- Nawada

1. RAGHUNANDAN PRASAD @ RAGHUNANDAN YADAV Baleshwar Yadav Resident of Village - Kothuawar, P.S.- Kawakol, Dist.- Nawada.
2. BHOLESHWAR PRASAD Son of Dashrath mahto Resident of Village - Bijho, P.S.- Kawakol, Dist.- Nawada.
3. RAMAYAN CHAURASIA Son of Late Ayodhya Mahto Resident of Village - Rani Bazar, P.S.- Kawakol, Dist.- Nawada.
4. SANJAY KUMAR Son of Vijay Kumar Resident of Village - Matuk Bigha, P.S.- Hisua, Dist.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Alok Kumar Alok, Advocate Mr. Pramod Kumar Verma, Advocate
For the Opposite Party/s :	Mr. Ram Priya Sharan Singh, APP Mr. Bibhakar Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 20-12-2021 Heard Mr. Alok Kumar Alok, learned Advocate for the petitioners and Mr. Bibhakar Tiwary for the informant. The State is represented by Mr. Ram Priya Sharan Singh, learned APP.

The petitioners seek bail in anticipation of their arrest in connection with Kawakol P.S. Case No. 292 of 2020 dated 25.08.2020 instituted for the offences under Sections 406, 419, 420, 471 and 34 of the Indian Penal Code.

The petitioners are said to have conspired and purchased a property from the mother of the informant



while she was in a state of mental sickness and did not pay the entire consideration amount.

It has been alleged in the FIR that the mother of the informant was taken to the village home by one of his cousins and there a conspiracy was hatched and the mother of the informant sold the family property by virtue of two sale deeds for a consideration amount of Rs. 45,89,000/-. The money which has been transferred in the account of the mother of the informant is only to the tune of Rs. 23.6 lacs. There is no proof of any payment beyond what has been deposited in Axis Bank account of the mother of the informant.

Learned counsel for the petitioners has submitted that petitioner no. 3 is the purchaser of the property whereas petitioner no. 2 has identified him. Petitioner no. 1 has been attributed with the role of conspiring with the other accused persons in getting the mother of the informant execute two sale deeds with respect to the family property. The petitioner no. 4 is scribe of the sale deed.

Learned counsel for the petitioners has submitted that there cannot be any charge under Sections 406, 419 and 420 IPC for the reason that the property was purchased out of a valid consideration amount.



Had it not been correct, the mother of the informant would not have received Rs. 23.6 lacs in her bank account. According to the learned counsel for the petitioners, the balance amount has been paid by way of cash. Though there is no definite proof of the same but the learned counsel for the petitioner submits that for the present, it cannot be doubted that the mother of the informant had sold the property in question for a consideration.

A co-ordinate Bench of this Court while hearing this matter had directed for an inquiry by the Superintendent of Police. The inquiry report has been shown by the learned APP for the State. It indicates that the petitioner has three sisters who also may have played some role in the sale of the property.

Be that as it may, since the petitioner no. 3 has purchased the property on a consideration amount, part of which was deposited in the bank account of the mother of the informant and part has been paid in cash, which fact is being doubted, the petitioner and others deserve anticipatory bail during the pendency of the investigation with the caveat that they shall participate in the investigation and any move on their part to impede the process of investigation shall be viewed adversely.

Considering the facts aforesaid, the petitioners



are directed to be released on bail, in the event of their 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, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IV, Nawada in connection with Kawakol P.S. Case No. 292 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The petitioners shall but participate in the investigation and if they fail to do so, it would be open for the informant or the I.O. to proceed for cancellation of the anticipatory bail granted to them.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

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