

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75314 of 2019

Arising Out of PS. Case No.-63 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

-
1. VIMAL PRASAD Son of Late Rameshwar Prasad Resident of Village - Siradhiper, P.S.- Dhanarua, Distt.- Patna.
 2. Bali Prasad Son of Bhagwat Prasad Resident of Village - Kashipur, P.S.- Dhanarua, Distt.- Patna.
 3. Hardev Prasad Son of Devendra Prasad Resident of Village - Kashipur, P.S.- Dhanarua, Distt.- Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Mostt. Dharamshela Devi @ Premshela Devi W/o Late Baleshwar Prasad Resident of Village - Siradhiper, P.S.- Dhanarua, Distt.- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Fakhruddin Ali Ahmad
For the Opposite Party/s : Mr.Renu Kumari

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

8 02-02-2021 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Complaint Case No. 63 (C) of 2018 for the offence under Sections 420, 467, 468, 379 and 323 of the Indian Penal Code.

The accusation is that complainant/O.P. No.2 Dharmshila Devi is issueless due to that reasons her nephew Vimal Prasad (Petitioner No.1) wants to grab her property and



due to that reason, she along with her husband used to reside at the house of her Nanad situated in village-Pendapur, but, after death of her husband, complainant/O.P. No.2 Dharmshila Devi came at her house in village-Siradhi, where last rituals of her husband was performed and, thereafter, she started living there. On 09.02.2017, in the night, Vimal Prasad (Petitioner No.1) his wife Sarita Devi and mother Kusum Devi under conspiracy took her thumb impression on the plain paper and also took her property papers in respect to the land from the box giving threatening to kill her, anyhow, complainant/O.P. No.2 Dharmshila Devi reached at village-Pendapur at the house of her Nanad and informed about the incident. Thereafter, her Nandosi and witness Ravi Kumar informed the Police, while Police assured to make inquiry, but no action was taken. Later on, complainant/O.P. No.2 received notice in respect to Mutation Case No. 2583/0030 of 2017-18 from the Circle Office, Dhanarua for appearing on 18.01.2018 for filing objection. Thereafter, complainant/O.P. No.2 Dharmshila Devi went there and on inquiry, she came to know that petitioner No.1 by putting a fake lady in her place got registered the sale deed in respect to 1-84.5 Acres of her land in favour of his wife Sarita Devi and mother Kushum Devi in which Bali Prasad



(Petitioner No.2) put his signature as an identifier and Hardev Prasad (Petitioner No.3) put his signature on the sale deed as witness. The complainant/O.P. No.2 Dharmshila Devi further stated that her husband Late Baleshwar Prasad and his own brother Ram Ishwar Prasad has died and in whose name Jamabandi No. 63 was also created.

Learned counsel for the petitioners submits that, in fact, Vimal Prasad (Petitioner No.1) is nephew of complainant/O.P. No.2 Dharmshila Devi, who is issue-less and due to that reasons, she executed the sale deed in favour of mother and wife of petitioner No.1, but, later on, at the instigation of enemies of petitioner No.1, she lodged the present case. Further submission is that while Mutation Case No. 2583-0030 of 2017-18 filed on behalf of mother and wife of petitioner No.1 was rejected, but Mutation Appeal Case no. 01 of 2018-19 filed by the wife and mother of petitioner No.1 was allowed by DCLR, Masaurhi, Patna and accordingly, rent receipt is being issued in favour of mother and wife of petitioner No.1. The complainant/O.P. No.2 Dharmshila Devi has preferred Mutation Revision Case No. 35 of 2018-19 before the Additional Collector, Patna against the order dated 05.07.2018 passed in Mutation Appeal Case No. 01 of 2018-



2019 in favour of mother and wife of petitioner No.1 and the same is pending for disposal. 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. Masaurhi, Patna in connection with Complaint Case No. 63 (C) of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

manish/-

U		T	
---	--	---	--

