

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78702 of 2019

Arising Out of PS. Case No.-5049 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Om Prakash Son of Baijnath Bhagat Resident of Village - North Shivpuri Ward No.21, P.S.- Saharsha, Distt - Saharsa. at Present C/o Arun Kumar Jaiswal, Near Bus Stand , P.S.- Mahnar, Distt.- Vaishali, Pin- 444506.
 2. Dinesh Prasad @ Dinesh Prasad Sah Son of Late Shiv Shankar Sah
 3. Ranju Sah W/o Dinesh Prasad @ Dinesh Sah petitioner nos. 2 and 3 both Resident of Village - Koriaya, P.S.- Dumka, Muffasil, Dist.- Dumka (Jharkhand).
 4. Achutanand Jha @ Achyutanand Jha Son of Sri K.N.Jha Resident of Village - Virpur , P.S-Supaul, Distt.- Supaul, Pin- 854340. At Present Residing at 56, Railway Officers Colony, Rangatand, P.S. and Dist - Dhanbad, (Jharkhand).
 5. Nibha Kumari W/o Manoj Kumar
 6. Manoj Kumar Son of Sri Yogendra Prasad Sah Resident of Village - Shankarpuri (Opp. Maissdhthan), P.O.- Ramna, P.S.- Kaji Mohammadpur, Dist.- Muzaffarpur.
 7. Sudha Bharti W/o Sri Arbind Kumar Rajak Resident of Village - Bhim Das Tola, P.O.- Tintand Diyara, P.S.- Rangra, Distt.- Bhagalpur. A/p residing at 3A and 3D Sundari Villa Apartment, Zakariapur, P.S.- Ram Krishna Nagar, Dist.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sri Ramdhani Singh Son of late Kamalapati Singh Resident of Village - Udaini, P.O. Mithanchak, P.S.- Gopalpur, Distt - Patna - 804453

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad
For the Opposite Party/s : Mr.Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 28-10-2021 Heard Sri Abrij Nandan Prasad, learned counsel for

the petitioners, Sri Md. Abu Haider, learned counsel for the

informant and Sri Uday Chand Prasad, learned APP for the

State.



Petitioners are seeking anticipatory bail in Complaint Case no. 5049 (C) of 2017 in which cognizance has been taken under sections 468, 420 and 447 of the Indian Penal Code.

Learned counsel for the petitioners submits that the complainant in the complaint has alleged that Janki Saran Singh had no issue and the complainant and his wife were looking Janki Saran Singh who executed a registered Will in favour of the complainant's wife Shanti Devi but wife of Janki Saran Singh sold the land to the petitioners of the present anticipatory bail application which was already willed in favour of wife of the complainant. Learned counsel for the petitioners further submits that petitioners are bonafide purchasers of the land from wife of late Janki Saran Singh, as far as Will is concerned which is alleged to have been executed in favour of wife of the complainant, the same was not in the knowledge of the petitioners and they believing that wife of Janki Saran Singh is title holder of the land had purchased the land. Further, learned counsel for the petitioners submits that from perusal of the allegation as alleged in the complaint, it would manifest that same is out and out a civil dispute which has been given a criminal colour.

Learned counsel for the complainant submits that



despite the Will being executed in favour of Shanti Devi, still wife of late Janki Saran Singh fraudulently sold the land to the petitioners. On query of the court whether Will has been probated in favour of wife of the complainant or not, learned counsel for the complainant fairly submits that probate case is pending.

Learned APP initially, opposed the prayer for anticipatory bail but on query of the court whether allegations as alleged in the complaint case constitute a civil dispute or criminal case, learned APP fairly submits that in nature of the allegation, the dispute is purely civil in nature.

Considering the facts in its totality, provisional bail granted to the petitioners vide order dated 03.12.2019 is hereby confirmed.

(Satyavrat Verma, J)

s.hassan/-

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