

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2503 of 2022

Arising Out of PS. Case No.-167 Year-2021 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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1. RAM PARIKHA YADAV Son of Munshi Yadav Resident of Village- Kusharia, P.S.- Durgawati, District- Kaimur at Bhabhua.
 2. Babu Ram Yadav Son of Late Puran Yadav Resident of Village- Dih Bhujaina, P.S.- Chainpur, District- Kaimur at Bhabhua.
 3. Ram Ekbal Yadav Son of Late Puran Yadav Resident of Village- Dih Bhujaina, P.S.- Chainpur, District- Kaimur at Bhabhua.
 4. Jay Nath Yadav Son of Late Puran Yadav Resident of Village- Dih Bhujaina, P.S.- Chainpur, District- Kaimur at Bhabhua.
 5. Balwant Paswan Son of Late Ramayan Paswan Resident of Village- Nand Gaon, P.S.- Chainpur, District- Kaimur at Bhabhua.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Fula Devi Wife of Ramgahan Yadav Resident of Village- Nand Gaon, P.S.- Chainpur, District- Kaimur (Bhabhua).

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar
For the Opposite Party/s : Mr.Ramchandra Singh

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 08-08-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.

Heard learned counsel for the petitioners as well as the learned Additional Public Prosecutor for the State and learned counsel for the complainant Fula Devi.

The petitioners apprehend their arrest in connection



with Complaint Case No. 167 of 2021 registered for the offences under Section 406, 420, 467, 468, 471/34 of the Indian Penal Code.

As per allegation, the complainant is an old and illiterate lady when her husband had gone to the house of the sister of the complainant, the petitioners who are sister's son of this complaint came to her house. They persuaded the complainant to facilitate pension for old persons and they brought her in Registry office. They obtained thumb impression of the complainant assuring her that only after putting the thumb impression she would be able to get the pension. Later on, she came to know that they got her entire land including house, transferred in their names through sale deed.

Learned counsel for the petitioners has submitted that it is a case of civil nature and the complainant has already instituted a title suit.

On the other hand, the learned counsel for the complainant has submitted that though it is admitted fact that complainant had instituted a title suit, but it was to declare the sale deed as void and sale deed is not voidable document, as it was obtained by misrepresentation.

The petitioners are close relatives of the complainant.



By misusing their proximity and relation, they brought her to the Registry Office on the false pretext of facilitating her pension and obtained her thumb impression on the sale deed misrepresenting that it was papers of pension.

As such, the petitioners do not deserve the privileges for anticipatory bail.

Accordingly, their prayer for anticipatory bail is rejected.

(Nawneet Kumar Pandey, J)

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