

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 36376 of 2021

Arising Out of PS. Case No.-27 Year-2020 Thana- GOVINDGANJ District- East Champaran

1. Ram Chandra Prasad, aged about 36 years, Male Son of Punyadeo Prasad.
2. Shanti Devi, aged about 32 years, Female Wife of Ramchandra Prasad.
Both resident of Jaga Pakar, P.S.- Harsidhi, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 54525 of 2021

Arising Out of PS. Case No.-27 Year-2020 Thana- GOVINDGANJ District- East Champaran

1. Ram Pravesh Thakur, aged about 35 years, Male.
2. Rajesh Thakur, aged about 25 years, Male.
Both are sons of Mansa Thakur, Resident of Village- Maldahiya, Siswa, P.S.-
Harsidhi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 36376 of 2021)

For the Petitioner/s : Mr. Krishna Kant Singh, Adv.

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

Mr. Sanjeev Kumar, Adv.

(In CRIMINAL MISCELLANEOUS No. 54525 of 2021)

For the Petitioner/s : Mr. Pramod Kumar Pandey, Adv.

Mr. Md. Waliur Rahman, Adv.

For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

Mr. Sanjeev Kumar, Adv.

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

ORAL ORDER

5 02-03-2022 The learned counsel for the petitioners is directed to

remove all the defects pointed out by the office within one

month.



Heard the learned counsel for the petitioners, the learned Additional Public Prosecutor for the State as well as the learned counsel for the informant.

The petitioners apprehend their arrest in connection with Govindganj (Areraj) P.S. Case No. 27 of 2020 registered for the offences punishable under Sections 420, 467, 468, 471, 120B, 323, 504, 506 of the Indian Penal Code.

The present FIR has been lodged on the basis of complaint petition filed by Meera Devi. As per the allegation the complainant is sole daughter of Shivji Sharma, who is mentally ill and residing with his daughter, the complainant.

The allegation against the petitioners Ram Pravesh Thakur and Rajesh Thakur is that they are maternal brothers of Shivji Sharma. They along with their father Mansa Thakur brought the father of the complainant to their house and at the pretext of providing service. As per allegation, the accused persons taking the benefit of mental disease of the complainant's father, got a sale deed registered in the name of the petitioner no. 2, Shanti Devi.

Learned counsel for the petitioners has submitted that the sale deed was executed on 27th November, 2018 and the complainant/informant came to know about the existence of the



sale deed two months prior to the lodging of the complaint petition and she obtained certified copy of the sale deed on 02.09.2019 and the complaint has been lodged on 23.12.2019, i.e., after three months of knowledge of the sale deed. He has further submitted that it is not a case of impersonation. It is an admitted fact that the owner of the land has transferred his land through sale deed and for cancellation of that sale deed the complainant has already instituted a Title Suit No. 33 of 2020, which is presently pending in the Court of Sub-Judge, Areraj, East Champaran and Shivji Sharma is defendant no. 2 in the title suit.

On the other hand, the learned counsel for the informant has submitted that while taking the benefit of mental disease the accused persons got the sale deed registered in favour of the petitioner no. 2, Shanti Devi.

It is admitted fact that for cancellation of that sale deed a civil suit is still pending and the matter is *sub-judice* before the civil court for adjudication of the fact whether the sale deed has been obtained by fraud or not and the ultimate remedy lies in the civil court.

Considering the above mentioned facts and circumstances, the petitioners above named, in the event of their



arrest or surrender, within four weeks from today, are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari /ACJM 1st, East Champaran, Motihari in connection with Govindganj (Areraj) P.S. Case No. 27 of 2020, subject to condition as laid down under Section 438(2) Cr.P.C.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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