

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1187 of 2021

Arising Out of PS. Case No.-240 Year-2017 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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1. Vimal Devi @ Sunaina Devi Wife Of Janardan Yadav @ Janardan Prasad Yadav Resident Of Village- Bagari, P.S.- Kharik, District- Bhagalpur.
 2. Suman Devi @ Savitri Devi Wife Of Arvind Prasad Yadav Resident Of Village- Bagari, P.S. Kharik, District- Bhagalpur.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Yadav

For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

4 11-07-2022 Heard learned counsel for the petitioners and learned
APP for the State.

By order dated 14.12.2021, notices by both modes
were issued on the complainant. Accordingly, in compliance of
the order dated 14.12.2021, notices were filed.

The office report records that the ordinary notice
returned unserved with report that Kheriya village is not situated
in Barari Police Station and undelivered registered cover notice
returned unserved with report i.e. incomplete address.

The learned counsel for the petitioners submits that in
compliance of the order dated 14.12.2021, he had filed notices
on the address as given in the complaint petition. It is next



submitted that if notices have returned unserved for that the petitioners cannot be held responsible as the address on which the notices were sent in consonance with the address given in the complaint.

In view of the submission made by the learned counsel for the petitioners, the Court proceeds to decide the matter.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 467, 468, 472, 473, 420, 120B of the Indian Penal Code.

The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the complainant alleges that she purchased 16 kattha 01 dhoor of land situated at Mauza- Ishapur as detailed in the F.I.R. through registered sale deed from Ban Bihari Banerjee and thereafter, got the land mutated in her name and she is paying the rent and is coming into possession.

It is next alleged that on 06.02.2007 that Ban Bihari Banerjee under conspiracy with the accused persons including the petitioners executed registered sale deed in the name of petitioner no.1 and petitioner no.2 by tampering with J.B. No.586 of 1211, which was running in the name of the



complainant and thereafter, got four rent receipts issued in their name.

The learned counsel for the petitioners submits that petitioners were innocent purchaser and after purchasing, they even got the land mutated in their name vide Mutation Case No.1864 of 2010-2011. It is next submitted that against the order of mutation, the complainant filed an appeal being Mutation Appeal No.11 of 2017-2018, but the same was also decided in favour of the petitioner by the D.C.L.R., Naugachia.

The learned counsel next submits that Janardan Yadav @ Janardan Prasad Yadav and Arvind Prasad Yadav, husband of the present petitioners have been granted the privilege of anticipatory bail by order dated 18.11.2021 in Cr. Misc. No.40621 of 2020. It is also submitted that if the complainant is aggrieved by the sale deed executed by Ban Bihari Banerjee in favour of the petitioners, she has remedy of getting the sale deed cancelled by moving before an appropriate forum.

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail



on their furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Complaint Case No.240 of 2017, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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