

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6124 of 2021

Arising Out of PS. Case No.-105 Year-2019 Thana- NAGAR District- Vaishali

1. Smt. Sharmila Devi Wife Of Kedar Singh Resident Of Vill.- Shahpur Kasim, P.S.- Lalganj, Dist.- Vaishali
2. Kedar Singh Son Of Late Rambahal Singh @ Late Ramfal Singh Resident Of Vill.- Shahpur Kasim, P.S.- Lalganj, Dist.- Vaishali
3. Pramod Kumar Singh Son Of Chullahai Singh Resident Of Vill.- Bhagwanpur Pakari, P.S.- Lalganj, Dist.- Vaishali

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. YC Verma, Sr. Advocate and Mr. Nityanand, Advocate
For the State	:	Mr. Surendra Kumar, Advocate
For the informant	:	Mr. Rama Kant Sharma, Sr. Advocate Mr. Kalyan Shankar, Advocate and Mrs. Smita Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 20-06-2022 Heard learned counsel for the petitioners, the State and the informant.

Petitioners apprehend arrest in a case registered for the offence punishable under section 420 and other ancillary sections of the Indian Penal Code.

As per the prosecution case, petitioners took the informant to registry office for execution of mortgage deed with respect to one katha land on assurance of payment of Rs.10,000/- to the informant. It is alleged that during the said transaction, accused petitioners fraudulently got sale deed



executed from informant in respect of her entire land measuring area 30.40 decimals including the land of her house.

Learned counsel for the petitioner, referring to paragraph 6 of the bail petition, submits that in fact informant is an educated lady and out of her sweet will she sold her land bearing Plot Nos. 493, 494, 495 & 496 of Khata No. 75, total area 30.40 decimals to petitioner no.1 on receiving consideration amount of Rs.18 lacs vide Sale Deed No.3575 dated 26.5.2018 (Annexure 2) which fact has also been written in her pen in the said sale deed. It is further submitted that the matter is of civil nature and if the informant has any grievance, she may move the Civil Court for cancellation of sale deed in question.

Learned counsel appearing for the State as well as the informant oppose the prayer for bail. They submit that the petitioners, in the garb of executing mortgage deed in respect of one katha land on assurance of payment of Rs.10,000/-, fraudulently got sale deed executed her entire land measuring area 30.40 decimals including the land of her house.

Considering the nature of allegation, prayer for bail of the petitioners is allowed. In the event of arrest/surrender within six weeks from today, let the petitioners mentioned above be



enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Vaishali at Hajipur in Hajipur Town Police Station Case No. 105 of 2019, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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