

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10077 of 2023

Arising Out of PS. Case No.-305 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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1. SHIBIYA DEVI W/O Narayan Mahto R/O Village- Dumariya, P.S- Bhadaur, District- Patna
 2. Vikash Kumar Gupta @ Bikash Kumar Gupta S/O Late Sant Kumar Shaw @ Santkumar Gupta R/O At present residing at 115 - Ground Floor, Hemchandra Naskar Road, Near kali Mandir, Kadpara, Kolkata, P.S and P.O - Bileghat, District- Kolkata, West Bengal- 700010 R/O- Village- Bhadaur, P.S- Bhadaur, District- Patna
 3. Vinay Kumar Gupta @ Binoy Kumar Gupta S/O Late Sant Kumar Shaw @ Santkumar Gupta R/O At present residing at 115 - Ground Floor, Hemchandra Naskar Road, Near kali Mandir, Kadpara, Kolkata, P.S and P.O - Bileghat, District- Kolkata, West Bengal- 700010 R/O- Village- Bhadaur, P.S- Bhadaur, District- Patna
 4. Manju Gupta W/O Late Sanjit Kumar Gupta At present residing at 85- Tirjala Road, P.S- Tirjala, District- kolkata, R/O- Village- Bhadaur, P.S- Bhadaur, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dr. Surendra Kumar Gupta S/O Late Ramlakhan Sao R/O Village and Post Office and Police Station Bhadaur, District- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj, Advocate.
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 19-05-2023 Heard learned counsel for the parties concerned.

Petitioners apprehend their arrest in connection with
Complaint Case No. 305 C of 2022 dated 7.9.2022 registered
for the offence punishable under Sections 423, 467, 468 and
120-B of the Indian Penal Code.

As per the First Information Report, the petitioners



No. 2, 3 and 4 have sold the property belonging to the complainant in favour of petitioner No. 1.

Learned counsel for the petitioners submits that the petitioners have not committed any offence as alleged and petitioner No. 1 is the *bona fide* purchaser of a piece of land sold by petitioner Nos. 2, 3 and 4. With regard to petitioner Nos. 2, 3 and 4 learned counsel submits that the property sold by them fell in their share pursuant to the family partition and the complainant as well as petitioner Nos. 2, 3 and 4 are agnates. He next submits that the allegation gives rise to civil dispute and a Title Suit has been filed by the complainant bearing Title Suit No. 84 of 2022 for cancellation of the sale deed executed by petitioner Nos. 2, 3 and 4 in favour of petitioner No. 1.

On the other hand, learned counsel for the complainant (Opposite Party No. 2) vehemently opposed the prayer for anticipatory bail and submits that the petitioners in connivance with each other have transferred the land belonging to the Opposite Party No. 2 inasmuch as in a family partition held in Title Suit No. 61 of 1992, the property sold by the petitioner Nos. 2, 3 and 4 was given in the share of the Opposite Party No. 2 and there is compromise decree between the parties dated 21.2.2013.



Regards being had to the submission made by the parties and taking into consideration the nature of allegation and the fact that Title Suit has already been filed by Opposite Party No. 2 for cancellation of sale deed executed by petitioner Nos. 2 to 4 and both the parties are co-sharer and the dispute between them gives rise to dispute of civil nature, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioners, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Mr. Rishabh Srivastav, learned Judicial Magistrate, 1st Class, Barh, Distt. Patna, in connection with Complaint Case No. 305 C of 2022 subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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