

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14143 of 2023

Arising Out of PS. Case No.-282 Year-2021 Thana- GOGRI District- Khagaria

1. SUSHILA DEVI Wife of Late Sachidanand Singh
 2. SMT. KRANTI DEVI @ KRANTI DEVI Wife of Sanjay Singh
 3. SANJAY SINGH Son of Late Sachidanand Singh
- all are RESIDENT OF VILLAGE- SAKAROHAR, P.S-BELDAUR
DISTRICT- KHAGARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Gogri P.S. Case No. 282 of 2021 instituted under Sections 420, 467, 468, 471/34, 120(B), 474 of the Indian Penal code lodged on 25-06-2021 by the informant Praphul Singh.

As per the prosecution story, the informant Praphul Singh alleged that his father Upendra Singh purchased 01 Bigha, 03 Katta, 10 dhoor and 6 Kattha, 10 dhoor land from Jamun Singh on 02.06.1973 and got revenue receipt of the said land. On 25.09.2020 the petitioner no.1, Sushila Devi gifted that land to the Smt. Kranti Devi on the basis of a fake deed with the



help of other accused persons. Accordingly, the FIR.

Learned counsel for the petitioners by way of para-9 has drawn attention to this Court to show that they belong to the same family and as such was entitled to the said transaction and just to put pressure, the civil dispute has been given criminal column.

Learned APP on the other hand opposes the prayer for anticipatory bail.

This Court has gone through the order sheet of the learned Sessions Judge wherein it has been recorded that the informant and the I.O. failed to produce the 'Kewala' dated 02.06.1973 as also gift dated 25.09.2020 and as such it was difficult to decide whether it was a gift deed or not. The learned Sessions Judge has also recorded that the investigation is very poor in the matter.

In view of the aforesaid facts that the two petitioners who are ladies as also the petitioner no.3 who in no way has any role to play and both sides are related, FIR lodged, ultimately they will have to face the trial, do not have criminal antecedent, this Court is inclined to grant them privilege of anticipatory bail.

Let the petitioners be released on anticipatory bail, in the event of their arrest or surrender before the Sub-ordinate



court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Gogri P.S. Case No. 282 of 2021 to the satisfaction of learned Chief Judicial Magistrate, Khagaria, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners will make themselves available to the police as and when required in course of investigation;

(iii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty



to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /
Sunil

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