

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27176 of 2023

Arising Out of PS. Case No.-764 Year-2022 Thana- MAHUA District- Vaishali

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1. SUNITA DEVI W/o Upnesh Chaudhary R/o Village-Baidhnathpur, PS-Mahua, Dist.-Vaishali
 2. UPNESH CHAUDHARY S/o Late Baksis Chaudhary R/o Village-Baidhnathpur, PS-Mahua, Dist.-Vaishali
 3. SAJAN SINGH @ RAM SAJAN SINGH S/o Ram Shobhit Pandey R/o village-Suratpur Vidhya, P.S.-Mahua, Dist.-Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. RAVINDRA KUMAR S/o Late Yamuna Prasad Sharma R/o Village-Baidhnathpur, PS-Mahua, Dist.-Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dinkar Kumar, Advocate
For the Opposite Party/s	:	Mr. Shyam Kumar Singh, A.P.P.
For the Informant	:	Mr. Bela Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 420, 467, 468, 471 and 120(B) of the Indian Penal Code.

The informant alleges that Upnesh gifted a piece of land in favour of his wife (petitioner no. 1) by way of a registered gift deed on which petitioner no. 3 is a witness. It is next alleged that Upnesh gifted the land in favour of his wife in which the informant also had a share.



The learned counsel for the petitioners submits that petitioners are persons with clean antecedent and petitioner no. 1 is a woman and have been falsely implicated in the present case, it is also submitted that from perusal of the allegation as alleged in the FIR it would manifest that the dispute is purely civil in nature to which a criminal colour has been given, it is also submitted that in the event, if the informant is aggrieved by the gift deed executed by Upnesh in favour of his wife, in that event, the informant has remedies available in law in getting the gift deed canceled. It is also submitted that Upnesh and informant are own cousin brother and there is land dispute between the parties.

Learned A.P.P. for the State and learned counsel for the informant opposed the prayer for anticipatory bail of the petitioners but are not in a position to rebut the submissions of the learned counsel for the petitioners that the dispute is civil for which informant has remedies available in law.

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-



(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Mahua P.S. Case No. 764 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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