

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28406 of 2023

Arising Out of PS. Case No.-440 Year-2022 Thana- UDAKISHUNGANJ District-
Madhepura

1. ARUN KUMAR @ ARUN YADAV S/O LATE ANUP LAL YADAV R/O
Village and P.O. - Mali, Ward No.7, P.S- Beldaur, Distt. - Khagaria, Bihar -
852161

2. Manali Bharti, W/O Sri Arun Kumar @ Arun Yadav R/O Village and P.O-
Mali, Ward No.7, P.S. - Beldaur, Distt. - Khagaria, Bihar - 852161

... .. Petitioner/s

Versus

1. The State of Bihar

2. Mahant Nageshwar Das C/O Kabir Math R/O Village- Biri Ranpal, Ward
No. 1, P.S- Udakishunganj, Distt.- Madhepura.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 29312 of 2023

Arising Out of PS. Case No.-440 Year-2022 Thana- UDAKISHUNGANJ District-
Madhepura

PURUSHOTTAM KUMAR Son of Late Vidyalal Yadav Resident of village-
Biri Ranpal, P.S.-Udakishunganj, District-Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar

2. MAHANT NAGESHWAR DAS C/o Kabir Math Resident of village-Biri
Ranpal, Ward No. 1, P.S.-Udakishunganj, District-Madhepura

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 28406 of 2023)

For the Petitioner/s : Mr. Amrit Abhijat, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, A.P.P.

For the Informant : Mr. Nishant Kumar Sinha, Advocate

(In CRIMINAL MISCELLANEOUS No. 29312 of 2023)

For the Petitioner/s : Mr. Amrit Abhijat, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 24-08-2023

In Cr. Misc. No. 28406 of 2023

Learned counsel for the petitioners, at the outset,

seeks permission to withdraw the prayer for anticipatory bail



with respect to petitioner no. 1 Arun Kumar @ Arun Yadav.

2. Permission is accorded.

3. Accordingly, the prayer for anticipatory bail with respect to petitioner no. 1 is dismissed as withdrawn.

4. Heard learned counsel for the petitioner no. 2, learned A.P.P. for the State and learned counsel for the informant.

5. The petitioner no. 2 apprehends her arrest in a case registered for the offences punishable under Sections 307, 386, 406, 420, 341 and 323/34 of the Indian Penal Code.

6. Learned counsel for the petitioner no. 2 submits that petitioner no. 2 is a person with clean antecedent and is a woman.

7. The informant alleges that he is Mahanth of Kabir Math, Bidi Ranpal, is an old person and suffering from various diseases and Arun Kumar used to come to the Math and at times even served him. He further alleges that Arun Kumar gave an idea of opening a school and an old age home on the land of the Math. Thereafter, on 13.09.2021 Arun Kumar came by a car and took him near the court gate and got some documents executed. Further, three months thereafter Arun Kumar started constructing boundary wall over the land and on query he



disclosed that he has got an agreement executed in the name of his wife i.e. petitioner no. 2 for a consideration amount of Rs.75,51,000/-, thus, alleges that the accused persons without giving any money got the agreement executed.

8. Learned counsel for the informant, at the outset opposes the anticipatory bail application of petitioner no. 2 and submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that the informant has alleged that Arun Kumar disclosed that an agreement was executed in the name of the petitioner no. 2 for a consideration money of Rs.75,51,000/-. It is further submitted that no such amount was given to the informant. It is also submitted that the anticipatory bail application also does not disclose how that money was paid to the informant. It is further submitted that in terms of the Bihar State Religious Trust Board Act, a land of the Math cannot be purchased until and unless permission is obtained from the Chairman of the Board. It is, thus, submitted that based on a sham transaction the petitioner no. 2 along with her husband are trying to usurp the property of the Math.

9. Learned counsel for the petitioner no. 2 rebuts the submission of the learned counsel for the informant and submits that the thrust of the allegation is against Arun Kumar and



petitioner no. 2 is a lady and is a housewife and she was completely unaware that as to what kind of agreement was executed in between her husband and the informant. It is, thus, submitted that petitioner no. 2 being a lady was completely unaware of any transaction between her husband and the informant.

10. Considering the submissions made by the learned counsel for the petitioner no. 2 and the fact that petitioner no. 2 is a lady and no specific allegation is alleged against her, the petitioner no. 2 above-named, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Udakishunganj P.S. Case No. 440 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

In Cr. Misc. No. 29312 of 2023

Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 307, 386,



406, 420, 341 and 323/34 of the Indian Penal Code.

3. Mr. Nishant Kumar Sinha, learned counsel appears and submits that he has instruction to appear in the matter on behalf of the informant. It is further submitted that he has already appeared on behalf of the informant in Cr. Misc. No. 28406 of 2023 but inadvertently the Vakalatnama, in the present case, on behalf of the informant could not be filed.

4. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent.

5. The informant alleges that he is Mahanth of Kabir Math, Bidi Ranpal, is an old person and suffering from various diseases and Arun Kumar used to come to the Math and at times even served him. He further alleges that Arun Kumar gave an idea of opening a school and an old age home on the land of the Math. Thereafter, on 13.09.2021 Arun Kumar came by a car and took him near the court gate and got some documents executed. Further three months thereafter Arun Kumar started constructing boundary wall over the land and on query he disclosed that he has got an agreement executed in the name of his wife Manali Bharti, after being a consideration amount of Rs.75,51,000/- and Pritvi Yadav and the petitioner are witnesses on the agreement thus, alleges that the accused persons without giving any money



got the agreement executed.

6. Learned counsel for the petitioner submits that petitioner from bare perusal of the allegation as alleged in the FIR, it would manifest that the thrust of the allegation is against Arun Kumar and petitioner is said to be a witness on the agreement executed in between the informant and Arun Kumar. It is further submitted that petitioner was completely unaware that any sham transaction is taking place. It is next submitted that petitioner merely is a witness on the agreement and has no role to play in grabbing the land of the Math nor the informant even remotely in his allegation suggests that petitioner was also instrumental in grabbing the land of the Math.

7. Learned A.P.P. for the State and learned counsel for the informant opposed the prayer for anticipatory bail of the petitioner but fairly submits that petitioner is merely a witness on the agreement.

8. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount



each to the satisfaction of the learned court below where the case is pending/successor court in connection with Udakishunganj P.S. Case No. 440 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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