

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30129 of 2023

Arising Out of PS. Case No.-879 Year-2018 Thana- KHAGARIA District- Khagaria

1. Geeta Devi Wife Of Uday Kumar R/O-Bachhauta, P.S.-MORKAHI, Distt.-KHAGARIA
2. Uday Kumar Son Of Late Satyanarayan Mahto R/O-Bachhauta, P.S.-MORKAHI, Distt.-KHAGARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s	:	Mr. Anuj Kumar Shrivastava, APP
For the Informant	:	Mr. Rajneesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-07-2023 1. Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 420, 467, 468, 471, 504, 506 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that the petitioner no.1 is a woman having clean antecedent, petitioner no.2 has antecedent of two cases and the informant alleges that he purchased two *bigha* nineteen *kattha* eleven *dhur* of land by a registered sale deed in between January, 2012 to 06.03.2014 from Md. Shamas Iqbal, Md. Parvez Iqbal and Md. Musharraf Iqbal, it is next alleged that in the year 2017, petitioner no.2



visited him for purchasing the land but the informant refused, thereafter on 05.12.2018, Uday came and disclosed that he purchased twelve *kattha* of his land, on inquiry it transpired that Uday by resorting to forgery prepared sale deed of the land in question in the name of his wife (petitioner no.1).

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, it is next submitted that from bare perusal of the allegations 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 further submitted that if what has been alleged in the FIR is true then the informant has remedies available in law in approaching the court of competent jurisdiction for getting the sale deed, executed in favor of the petitioner no.1, cancelled but then instituting an FIR is nothing but an abuse of the process of the court. Learned counsel further submits that even if the petitioner is sent to jail and the sale deed is not cancelled, in that event no purpose would be served, it is next submitted that in the event if petitioner is sent to judicial custody and ultimately the sale deed withstands the scrutiny of the court, in that event sending the petitioner to jail at this stage would amount to travesty of justice.



5. Learned A.P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the petitioners and the learned counsel for the informant submits that petitioner no.2 has not approached this Court with clean hands, it is next submitted that at paragraph '3' the petitioner no.2 has disclosed that he has antecedent of two cases, when he has antecedent of four cases as Morkahi P.S. Case No. 160 of 2018 and Khagaria P.S. Case No. 305 of 2011 has been concealed, it is thus submitted that a person who does not approach the Court with clean hands, forfeits his right of seeking relief.

6. 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 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) each 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 Khagaria (Chitracharya Nagar) P.S. Case No. 879 of 2018 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that the learned trial



court before accepting the bail bonds of petitioner no.2 shall verify whether he is an accused in Morkahi P.S. Case No. 160 of 2018 and Khagaria P.S. Case No. 305 of 2011 or not and in the event, if it is found that petitioner no.2 is accused in the aforesaid two cases, then the present anticipatory bail order shall not be given effect to in his favour and if he is not an accused in the aforesaid cases, his bail bonds shall be accepted.

(Satyavrat Verma, J)

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