

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.39091 of 2023**

Arising Out of PS. Case No.-191 Year-2023 Thana- SHERGHATI District- Gaya

1. SUKHDEO YADAV @ SHUKDEO YADAV Son of Prameshwar Yadav  
Resident of village-Kusabija Tola-Kusha, P.S.-Dobhi, District-Gaya
2. HARICHANDRA PRASAD YADAV @ HARISHCHANDRA PRASAD  
YADAV Son of Bifan Yadav Resident of village-Piparghati, P.S.-Dobhi,  
District-Gaya
3. RAMPRIT KUMAR @ RAMJIT KUMAR Son of Hardeo Yadav Resident  
of village-Gunadih, P.S.-Barachatti, District-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Arvind Kumar Singh

For the Opposite Party/s : Mr.Bharat Lal

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

- 2      28-07-2023      1. Learned counsel for the petitioners submits that during pendency of this anticipatory bail application the petitioner no. 2 / Harichandra Prasad Yadav @ Harishchandra Prasad Yadav has been arrested, and as such, this anticipatory bail application has become infructuous in relation to the petitioner no. 2. Accordingly, he seeks permission to withdraw this application with respect to the petitioner no. 2 – Harichandra Prasad Yadav @ Harishchandra Prasad Yadav.
2. Permission is granted.
3. The application stands dismissed as withdrawn with respect to the petitioner no. 2.



4. The remaining petitioner nos. 1 & 3 apprehend their arrest in connection with Sherghati ( Dobhi ) PS Case No. 191 / 2023 dated 19-02-2023 registered under Section 379 , 406 and 420 of the IPC.

5. As per the FIR, the petitioner no. 1 has forcibly got executed a registered sale deed of 5-6 Acres of land in his favour from the informant's mother and brother in their unsound state of mind on 02.01.2021 on the false pretext of making Aadhaar Card and rent receipt, in which the petitioner nos. 2 & 3 represented themselves as identifier and witness respectively.

6. Learned counsel for the petitioners submits that petitioners have not committed any offence in the manner alleged inasmuch as the informant's mother and brother have voluntarily executed the sale deed in favour of the petitioner no. 1 after due negotiation and receiving of the consideration amount. He further submits the matter relates to civil dispute which has been given colour of criminal offence. He next submits that the petitioner no. 1 has not been given the possession of the land in question and the said land is still in possession of the informant, her mother and brother. He next submits that in fact the mother and brother of the informant have cheated the petitioner no. 1 inasmuch as the mother of the



informant had obtained a Will from her late father in the year 1979 but after his death without getting probate of the land of the said Will, the mother of the informant and her brother sold the land in question in favour of the petitioner no. 1 having full knowledge about such illegal act with malafide intention.

7. On the other hand, learned counsel for the informant vehemently opposes the prayer for anticipatory bail of the petitioners and submits that there was no occasion for sale of 5-6 Acres of land in a single day by the informant's mother and brother and taking advantage of their mental condition the petitioner no. 1 got the sale deed registered in his favour.

8. Regard being had to the submission made by the parties, taking into consideration the fact that FIR has been lodged after an inordinate and unexplained delay of two years, the fact that application for mutation of the land in question in favour of the petitioner no. 1 has already been rejected and the petitioner no. 3 is merely a witness to the sale deed, as such, I am inclined to grant anticipatory bail to the petitioner nos. 1 & 3.

9. Let the petitioner nos. 1 & 3, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today



on furnishing bail bond of Rs. 10000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of A.C.J.M. 1<sup>st</sup> Class Sherghatti (Gaya) in connection with Sherghati (Dobhi) P.S. Case No. 191 of 2023 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

praful/-

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