

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51189 of 2022

Arising Out of PS. Case No.-71 Year-2022 Thana- THAWE District- Gopalganj

1. Ranjan Kumar Pandit @ Ranjan Pandit Son of Late Bira Pandit R/V- Chanawe, P.S- Thawe, Dist- Gopalganj
2. Bhagmani Devi Wife of Ranjan Kumar Pandit @ Ranjan Pandit R/V- Chanawe, P.S- Thawe, Dist- Gopalganj
3. Govind Kumar Pandit @ Govind Kumar Son of Ranjan Kumar Pandit @ Ranjan Pandit R/V- Chanawe, P.S- Thawe, Dist- Gopalganj
4. Satyendra Singh Son of Late Adalat Singh R/V- Mauze Chanawe, P.S- Thawe, Dist- Gopalganj
5. Zakir Hussain Son of Hafiz Mian R/V- Mohammadpur, P.S- Barauli, Dist- Gopalganj
6. Bed Byash Mishra @ Bed Vyas Dubey @ Ved Vyas Mishra Son of Late Namu Narayan Mishra R/V- Bhitbherwa, P.S- Nagar Gopalganj, Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh, Advocate
For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-01-2023 Heard learned counsel for the petitioners, the informant and the State.

The petitioners are apprehending arrest in connection with Thawe P.S. Case No. 71 of 2022 under sections 420, 406, 467, 468, 471/34 of the Indian Penal Code.

As per the prosecution story, the informant has alleged that his brother (petitioner no.1) along with his family members fraudulently got a deed of gift executed from their



mother Parwati Devi after taking her LTI stating that the same is being taken for pensionary benefits.

In that way, it has been alleged that a area of nine dhurs (khata no. 145), (khesra no. 01) was executed in the district of Gopalganj in the name of his wife, petitioner no.2. Hence, the FIR.

Learned counsel for the petitioner submits that no criminal case is made out in this matter as there is a deed of gift in favour of petitioner no.2 by her mother-in-law and further a Title Suit has also been preferred for the said piece of land.

Learned counsel for the informant on the other submits that the mother-in-law (mother of the informant) in her deposition has clearly stated that she was made to believe that the LTI is being taken for the pensionary purpose and she never gifted the land as it later unfolded.

Taking into account the fact that the petitioner nos. 1 and 3 are the direct beneficiaries of the said illegal act as also the fact that they have criminal antecedents, this Court is not inclined to grant them relief and the prayer for bail of petitioner no.1 Ranjan Kumar Pandit @ Ranjan Pandit as also petitioner no. 3 Govind Kumar Pandit @ Govind Kumar are hereby rejected.



So far as the petitioner no.2 Bhagmani Devi is concerned, she is a lady, this Court is inclined to grant her relief. Further, petitioner no.4 Satyendra Singh and petitioner no.5 Zakir Hussain are the witnesses to the said documents and petitioner no.6 Bed Byash Mishra @ Bed Vyas Dubey @ Ved Vyas Mishra is 'Katib' and they are not going to get any financial benefits from the said alleged act on the part of the accused side, this Court is inclined to extend them relief too.

Let the aforesaid petitioners no. 2, 4, 5 and 6 (except petitioner nos. 1 and 3) be released on bail in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj, in connection with Thawe P.S. Case No. 71 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

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