

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53749 of 2023

Arising Out of PS. Case No.-1466 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Smt. Phulwanti Devi Wife Of Late Chandeshwar Prasad, Resident Of Village - Tilaiya, P.S. - Chhabilapur, District - Nalanda, Presently Residing At 980 - South Anandpuri, Bansthalli, P.S. - Hazaribagh, District - Hazaribagh (Jharkhand)
 2. Sunil Kumar Son of Late Chandeshwar Prasad, Resident Of Village - Tilaiya, P.S. - Chhabilapur, District - Nalanda, Presently Residing At 980 - South Anandpuri, Bansthalli, P.S. - Hazaribagh, District - Hazaribagh (Jharkhand)

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Smt. Prabha Prasad Wife Of Late Siddheshwar Prasad Resident Of Khedanchak Gali, Maharaj Ganj, Patna City, P.S. - Alamganj, District - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Soni Shrivastava, Advocate
Ms. Sarandha Suman, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 23-08-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Complaint Case No.1466(C) of 2022 instituted for the offence punishable under Sections 420, 406, 467, 468/34 of the Indian Penal Code.

3. The prosecution case, in short, is that on 02.05.1974, the complainant along with petitioner no. 1 and two other persons purchased a property measuring 6.75 decimal land, as such, each



of them has got 1/4th share in the property. Thereafter in the year 2015, other two persons had sold their share. Thereafter in the year 2017, both petitioners, in order to sell the rest property of complainant and petitioner no. 1, had taken several signatures of the complainant on non-judicial stamp paper and assured the complainant that half amount will be handed over to the complainant. But they did not give any money to the complainant of her share. It has been alleged that petitioners have cheated the complainant and defalcated the amount of complainant by creating false documents.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that petitioners have sold only their share of land to co-accused Manorama Devi and Veena Devi with respective sale deed for lands measuring 1.667 decimal and 1.21 decimal respectively. Learned counsel for the petitioners submits that Vidya Nand Kumar and Shiv Shankar Dayal have also sold their share of land of one decimal each to Rajmani Devi in the year 2021, hence, the total area of land sold comes to 4.88 decimals approximately and therefore, 1.87 decimals of land (including the share of complainant) is still vacant and available. Learned counsel for the petitioners further submits that from perusal of the paragraph 9 of the petition, it is very clear that the



complainant had knowledge about the sale in the year 2021, but the complainant had waited till December, 2022 to approach the court. Learned counsel for the petitioners further submits that allegation is purely related to civil dispute. Petitioner no. 1 is the sister of complainant and petitioner no. 2 is the son of petitioner no. 1. Lastly, it has been submitted that petitioners have one criminal case against them.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Complaint Case No. 1466(c) of 2022, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M.F.C., Patna City subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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