

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.57316 of 2023**

Arising Out of PS. Case No.-844 Year-2022 Thana- PHULWARISHARIF District- Patna

1. SAMBHU SHARMA S/O LATE DEVDUTT SHARMA R/O VILLAGE-MANHGUPUR, PS. JANIPUR, DISTT. PATNA
2. UPENDAR SHARMA S/O SHRI CHANDRA SEKHAR SINGH R/O VILLAGE- MANHGUPUR, PS. JANIPUR, DISTT. PATNA
3. DHARMENDAR KUMAR S/O LATE RUPNARAYAN SHARMA R/O VILLAGE- PITBANSI, PS. NAUBATPUR, DISTT. PATNA

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. SMT. ANITA SINHA W/O LATE HEMANT KUMAR R/O VILLAGE-MANHGUPUR, PS. JANIPUR, DISTT. PATNA

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                                |
|--------------------------|---|----------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Sanjeev Kumar, Adv                                         |
| For the Opposite Party/s | : | Mr. Dr. Ajeet Kumar, APP                                       |
| For the Informant        | : | Mr. Rajesh Kumar Singh, Sr. Adv<br>Mr. Manish Kumar Singh, Adv |

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      12-10-2023                      Heard the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 406, 420 and other allied Sections of the Indian Penal Code.

3. Allegedly, the petitioners are said to have executed a fake deed of gift in the name of petitioner no.1, after taking benefit of mentally ill condition of the father-in-law of the informant.

4. It is submitted by learned counsel for the petitioners



that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He further submits that the informant has also filed one title suit in the learned Court below bearing Title Suit No.198 of 2022 against her father-in-law, brother-in-law and petitioner no.1. Petitioners have no criminal antecedent.

5. Learned Senior Counsel for the informant as well as learned APP for the State opposed the prayer for anticipatory bail. It is submitted that the alleged land belongs to the informant and without any title possession, the same has been sold by the petitioner and other accused persons.

6. Having regard to the facts and circumstances of the case as well as considering that the informant has already filed a title suit in the learned Court below, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five 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 Phulwarisharif P.S. Case No.844 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. However, the petitioners are directed not to sell the share of the land of the informant. If it is found that the petitioners have sold the share of the land of the informant, then his bail bond shall be cancelled.

**(Anjani Kumar Sharan, J)**

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