

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57498 of 2023

Arising Out of PS. Case No.-1894 Year-2021 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. Ram Kripal Pandey S/O Baue Lal Yadav Resident Of-Keshonarayanpur, P.S.-Tajpur (Halai), District-Samastipur, Bihar-848101
 2. Surendra Pandey S/O Bindeshwar Pandey Resident Of-Keshonarayanpur, P.S.-Tajpur (Halai), District-Samastipur, Bihar-848101
 3. Raju Kumar Rai S/O Late Vishnu Dayal Rai R/O Village And Post-Nathudwar, Ps-Khanpur, District-Samastipur-848101

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. RADHA DEVI W/o Late Nagendra Pandey Village and Post-Nathudwar Thana Khanpur, District-Samastipur, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Piyush Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 08-11-2023 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. 1894 of 2021, instituted for the offence punishable under Sections 406, 420, 467, 468, 471, 323 and 504/34 of the Indian Penal Code.

3. The allegation against the petitioner No. 1 and other co-accused, is that they created forged sale deed and executed the land of complainant showing his own land to one Raju Kumar Rai, fraudulently and later on a *Panchayati* was



convened, in which, the petitioner No. 1, namely, Ram Kripal Yadav promised to return Rs. 2,50,000/- or in place of it, will cancel the sale deed but neither they returned money nor cancelled the sale deed.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that petitioner no. 1 had purchased the said land from Ramashish Rai and Bindeshwar Rai, who are the sons of Raj Narain Rai through a registered sale deed dated 22.12.1979. It is further submitted that later on the said land was sold to petitioner no. 3, which is currently in dispute with the complainant. It is also submitted that complainant is challenging the disputed sale deed dated 22.12.1979 and another sale deed dated 30.10.2021, which is in favour of petitioner no. 3. Learned counsel for the petitioners further submits that the nature of the case is purely civil and it cannot be decided in criminal case. The complainant ought to have pursued this matter through civil court instead of invoking the jurisdiction of criminal court. It is submitted that petitioner no. 2 is the witness of the sale deed dated 30.10.2021. Lastly, it has been submitted that the petitioners have no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for 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 in connection with Complaint Case No. 1894 of 2021, 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 Additional Chief Judicial Magistrate-IV, Samastipur, subject to condition as laid down under Section 438(2) of the Cr.P.C..

(Khatim Reza, J)

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