

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58487 of 2023

Arising Out of PS. Case No.-361 Year-2022 Thana- UDAKISHUNGANJ District-
Madhepura

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Latika Devi @ Punam Devi W/O Ajay Yadav, R/O Village- Laskari, P.S.-
Udakishunganj, At Present Resident Of Village- Madhukarchak, Ward No. 05,
P.S.- Bihariganj, Distt. Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 58559 of 2023

Arising Out of PS. Case No.-361 Year-2022 Thana- UDAKISHUNGANJ District-
Madhepura

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Ravindra Kumar Son Of Late Umesh Rai, Village- Laskari, P.S.-
Udakishunganj, Distt.- Madhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 58487 of 2023)

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

(In CRIMINAL MISCELLANEOUS No. 58559 of 2023)

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 13-09-2023 Since both cases are arising out of same police station,

 hence it is taken up together.

2. Heard learned Counsel for the petitioners and

learned APP for the State.

3. The petitioners are apprehending their arrest in

connection with Udakishunganj P. S. Case No. 361 of 2022 registered on 25.10.2022 for the offences punishable under Sections 341, 323, 420, 386, 504 and 506/34 of the Indian Penal Code.

4. According to the prosecution, the informant has alleged in the F.I.R. that there were in total 4 bighas of land in the name of informant's father. It has been admitted that after death of father total 6 persons are the heirs and legal representatives. It has been admitted that one share has been given to the mother and the share of informant was look after by his elder brother. It has been alleged that petitioner, namely, Latika Devi @ Punam Devi who is sister of the informant persuaded her to provide Indira Awas and on her persuasion, he went to the Registry Office where the said land was registered in the name of husband of the petitioner, namely, Latika Devi @ Punam Devi by making wrong representation and committing breach of trust with the informant, on the basis of which the present case has been lodged.

5. Learned counsel for the petitioner in Criminal Miscellaneous No. 58487 of 2023 submits that the real culprit in this case is not the petitioner rather the elder brother of the informant namely, Subodh Roy who is the full brother of the

petitioner also. Counsel further submits that the wife of the informant has filed an affidavit in which she has disclosed that her husband (the informant) is mentally ill and due to this reason the *Jeth* Subodh Roy, on whose instance the present F.I.R. has been filed, is interested to grab the share of her husband and only to save the share of her husband the said land was executed in favour of the petitioner's husband with her full consent. She has disclosed that the allegation of commission of breach of trust by the petitioner or her husband is absolutely false.

6. In Criminal Miscellaneous No. 58559 of 2023, the petitioner is identifier of the sale deed. Counsel for the petitioner submits that it is no where the case of the informant that identification has been made to a wrong person as such according to counsel for the petitioner, no offence is made out against the petitioner.

7. Learned APP for the State opposes the prayer for bail of the petitioners in both the cases but submits that it appears to family dispute and with a view to enmity among the family members, the present FIR has been lodged and there is no allegation of wrong identification in the F.I.R.

8. In the aforesaid facts and circumstances and

particularly in the light of the Annexure-2 i.e. statement which has filed by affidavit by the wife of the informant, let the above-named petitioners be released on bail, in the event of arrest or surrender before the learned Court below within 6 weeks from today, on furnishing bail bond of Rs. 30,000/- (Rupees Thirty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-Ist., Udakishunganj, Madhepura in connection with Udakishunganj P.S. Case No. 361 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

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