

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.72680 of 2022**

Arising Out of PS. Case No.-3035 Year-2011 Thana- PATNA COMPLAINT CASE District-  
Patna

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SUJAY KUMAR @ SUJAY KUMAR YADAV Son of Ramanand Singh  
Resident of Village- Sabalpur, P.O.- Sabalpur, P.S.- Nadi (Didarganj), District-  
Patna. ... .. Petitioner/s

Versus

1. The State of Bihar.
  2. SMT. SONPHULWA DEVI Wife of Rajgir Rai Resident of Village- Manpur  
Bairiya P.S.- Gopalpur, District- Patna
- ... .. Opposite Parties.

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**Appearance :**

For the Petitioner/s : Mr. Jagjit Roshan  
For the Opposite Party/s : Mr. Ajit Kumar

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

4      08-08-2023                      Perused the office notes.

2. By order dated 21.03.2023, notice was issued to  
opposite party no.2, which was received by her son.

3. By order dated 21.07.2023, learned counsel for  
the petitioner was directed to file a jointness petition, which is  
on record.

4. In the jointness petition, learned counsel for the  
petitioner has, *inter alia*, stated that opposite party no.2 is  
living in a joint family house with her son and grandson who  
received notice on her behalf. Hence, the notice may be  
deemed to be validly served.

5. In view of the aforesaid, the service of notice  
upon opposite party no.2 is deemed to be validly served.



6. Heard learned counsel for the petitioner and learned A.P.P. for the State on the prayer for bail but in spite of valid service of notice none is present on behalf of opposite party no.2.

7. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 420/34 of the Indian Penal Code.

8. All the named accused persons including this petitioner, under a deep rooted conspiracy, prepared/obtained false power of attorney, and are said to have wanted to sale the landed property of opposite party no.2.

9. It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case. It is further submitted that accused Phula Devi is the own sister of complainant/opposite party no.2 and a Title Suit bearing Title Suit No.248 of 2007 is pending in the Court of learned Sub Judge-I, Patna for partition of the joint property. It is further submitted that petitioner was not aware about the family dispute of the opposite party no.2 and has received only the Power of Attorney and no illegal act has been committed. The entire allegation in the complaint case is based on suspicion



and presumption and no overt act has been committed. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

10. Having regard to the facts and circumstances of the case as also the fact the dispute *inter se* is purely civil in nature, let the above named petitioner, be released on bail, in the event of his 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) 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 Complaint Case No. 3035 (C) of 2011, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

**(Anjani Kumar Sharan, J)**

Trivedi/-

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