

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63712 of 2023

Arising Out of PS. Case No.-1453 Year-2022 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. Ashok Kumar Pandey Son Of Ram Ratan Pandey Resident Of Village-
Pandey Paswan, Ps- Magadh Medical College, Gaya, Distt- Gaya
 2. Akhilesh Kumar Pandey Son Of Ram Ratan Pandey Resident Of Village-
Pandey Paswan, Ps- Magadh Medical College, Gaya, Distt- Gaya
 3. Amresh Kumar Pandey Son Of Ram Ratan Pandey Resident Of Village-
Pandey Paswan, Ps- Magadh Medical College, Gaya, Distt- Gaya
 4. Vijay Kumar Pandey Son Of Sri Ashok Kumar Pandey Resident Of Village-
Pandey Paswan, Ps- Magadh Medical College, Gaya, Distt- Gaya
 5. Ajay Kumar Pandey Son Of Sri Ashok Kumar Pandey Resident Of Village-
Pandey Paswan, Ps- Magadh Medical College, Gaya, Distt- Gaya
 6. Sonu Kumar Son Of Sri Amresh Kumar Pandey Resident Of Village-
Pandey Paswan, Ps- Magadh Medical College, Gaya, Distt- Gaya

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Raj Kumar Pandey Son Of Late Uma Shankar Pandey Resident Of Village-
Pandey Paswan, Ps- Magadh Medical College, Gaya, Distt- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Amit Kumar Singh, Adv
For the Opposite Party/s	:	Mr.Bharat Lal, APP
For the Informant	:	Mr.Mrigendra Kumar, Adv
		Mr.Rameshish, Adv

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-10-2023 Heard learned counsel for the petitioners, learned
APP for the State and learned counsel for the Informant.

2. The petitioners in the present case are seeking pre-
arrest bail in connection with Complaint Case No. 1453 of 2022
in which cognizance has been taken for the offences punishable
under Sections 420, 467, 468 and 120(B). They have got no



criminal antecedent.

3. Learned counsel for the petitioners submits that the present complaint case has been filed alleging that the petitioners being co-sharer have executed the sale deed for the land belonging to the complainant ignoring the partition which has already taken place in the year 2017.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the petitioners and the complainant both are co-sharer and the land in question about which it is stated that the petitioners have wrongly executed the sale deeds is recorded in the joint name of the mother of the petitioners and the co-sharer who was the ancestors of the complainant.

5. Learned counsel further submits that the petitioners have executed sale deed in respect of their own share and they have not committed any offence in executing the sale deed. It is further submitted that the complainant and his son have already transferred substantially all the land of their share from Khata No. 217. The description of some of the sale deeds executed from the complaint side have been stated in para '17' of the petition.

6. Learned APP for the State and learned counsel for



the complainant/ O.P. No. 2 have opposed the prayer for anticipatory bail of the petitioners. It is submitted that the petitioners are indulged in selling the share of the complainant/O.P.No. 2.

7. Having regard to the facts and circumstances of the case wherein the nature of relationship of the parties as co-sharer and the kind of disputes between the parties which is highly contentious, this Court directs that the petitioners above named in case of their arrest or surrender within a period of six weeks from today, be released on bail in connection with Complaint Case No. 1453 of 2022 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 learned Smt. Neelam Kumari, J.M. 1st Class-cum-Addl. Munisf, Civil Court, Gaya, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of verification.

9. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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