

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6233 of 2024

Arising Out of PS. Case No.-1888 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. Ram Narayan Sah Son of Late Mauze Sah R/o vill - Shambhupatti, P.S. - Karpoorigram, Distt. - Samastipur
 2. Sobha Devi W/o Ram Narayan Sah R/o vill - Shambhupatti, P.S. - Karpoorigram, Distt. - Samastipur
 3. Ashutosh Kumar Son of Ram Narayan Sah R/o vill - Shambhupatti, P.S. - Karpoorigram, Distt. - Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Shiv Narayan Sah Son of Late Mauze Sah R/o vill - Shambhupatti, P.S. - Karpoorigram, Distt. - Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar
For the Opposite Party/s : Mr.Anil Prasad Singh
Mr.Vinay Kumar Mishra

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 21-08-2024 1. Heard learned counsel for the petitioners, the learned counsel appearing on behalf of the complainant and the learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 419 and 420 of the Indian Penal Code.

3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent. It is next submitted that petitioner no.1 is own brother of the



complainant. It is next submitted that Mahendri Devi is own sister of the petitioner no.1 and the complainant and it was Mahendri Devi, who had executed the sale deed in favour of the wife of the petitioner no.1, who is her *Bhabhi* with respect to her share of land in the ancestral property. It is also submitted that from perusal of the sale deed dated 23.08.2018 annexed as Annexure-3, it would manifest that the same also contains the picture of Mahendri Devi. It is thus submitted that complainant, being aware that the sale deed in favour of the wife of the petitioner no.1 was executed by his own sister, but still concealing the said facts instituted the instant complaint.

4. It is next submitted that had an F.I.R. been instituted the case would have been investigated threadbare and the correct facts would have come to the fore, but then, it becomes easy for the complainant to institute a complaint case and bring two witnesses in his support based on which the learned trial Court takes cognizance. It is also submitted that the complainant also instituted the instant case against his son Ajay alleging that he also got the land of the



complainant transferred in the name of his wife through an unknown lady. It is also submitted that as far as petitioners are concerned, they are own brother, *Bhabhi* and nephew of the complainant. It is next submitted that if complainant is aggrieved by the execution of the sale deed by his sister in favour of the wife of petitioner in that event, complainant has remedy of getting the sale deed cancelled by approaching a Court of competent civil jurisdiction.

5.The learned counsel for the complainant as well as the learned Additional Public Prosecutor opposes the anticipatory bail application, but then, are not in a position to rebut the submission of the learned counsel for the petitioners that the sale deed (Annexure-3) contains the photograph of Mahendri Devi.

6.Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand)



each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IIInd, Samastipur in connection with C.R. No.1888 of 2018, Tr. No. 2258 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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