

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10269 of 2024

Arising Out of PS. Case No.-2654C Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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1. RAJ KISHORE PRASAD S/O- LATE DEEP NARAIN PRASAD R/O- VILLAGE- JAMUARA, P.S.- CHIKSAURA, DIST.- NALANDA, PIN- 801302, AT PRESENT RESIDING AT MAHAVEER COLONY, EAST ASHOCHAK, P.S.- RAMKRISHNA NAGAR, DIST.- PATNA, PIN- 800007
 2. MUNNI KUMARI W/O- GAUTAM KUMAR R/O- VILLAGE- JAMUARA, P.S.- CHIKSAURA, DIST.- NALANDA, PIN- 801302, AT PRESENT RESIDING AT MAHAVEER COLONY, EAST ASHOCHAK, P.S.- RAMKRISHNA NAGAR, DIST.- PATNA, PIN- 800007

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. MOST. SANGITA SAHI W/O- LATE MANI KUMAR RAI R/O- MOHALLA- SAKARPURA, P.S.- HASANPURA ROAD, DIST.- SAMASTIPUR, AT PRESENT RESIDING AT MOHALLA- INDRAPURI, ROAD NO.- 0, P.S.- PATLIPUTRA, DIST.- PATNA, PIN- 800024.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Nandan Kumar
For the Opposite Party/s : Mr. Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 13-05-2024 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 342, 465, 466, 467, 468, 471, 474, 420, 504, 506, 427 and 120B of the Indian Penal Code.

3. The learned counsel for the petitioners submits that from perusal of the office report dated 08.05.224, it would



manifest that the same records that the house of the opposite party was locked and O.P. No. 2 does not reside at given address and whereabouts of O.P. No. 2 could not be traced out.

4. The Court, in the nature of allegation as alleged in the complaint is, *prima facie*, of the view that the dispute is purely civil to which a criminal colour has been give, as such, the requirement of O.P. No. 2 for the present at the stage of considering the anticipatory bail application does not arise.

5. Learned counsel for the petitioners submits that complainant alleges that the land in dispute was purchased by her husband Late Mani Kumar Rai from Late Yadun Bhagat and *Jamabandi* was created in name of her husband, further her husband died on 16.05.2020 and thereafter the complainant came to know that some unknown persons were on the land as informed by her driver, on which she went to the place of occurrence when she came to know that one Samundri Devi taking the Circle Office in connivance had sold the land in dispute to Vijay Raj, Manik Chand and Arvind Kumar based on forged and fabricated document and thereafter Vijay Raj, Manik Chand and Arvind Kumar sold the said land to the petitioners and others, as such, when the complainant objected their presence on the land, she was abused, assaulted and molested.



The learned counsel submits that from perusal of the allegation as alleged in the complaint, it would manifest that in sum and substance, the complainant alleges that the land in question was purchased by her husband which was sold fraudulently by Samundri Devi in favour of Vijay Raj and others and the said Vijay Raj and others sold the land in question to the present petitioners. It is, thus, submitted that petitioners are purchasers from Vijay Raj and others. It is also submitted that the complainant has also filed a Title Suit No. 171 of 2021 before the learned District Court, Patna seeking cancellation of the sale deed which is pending adjudication. It is also submitted that petitioners are also defendant in the said title suit and they have already filed their written submissions and have taken a stand that they are innocent purchasers. It is also submitted that in the event if title suit is decided against the complainant in that event what will happen.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

7. 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 trial court within a period of six weeks from today, be released on



anticipatory bail on furnishing bail bonds of Rs. 10,000/-
(Rupees Ten Thousand) each with two sureties of the like
amount each to the satisfaction of the learned trial court where
the case is pending/successor court in connection with
Complaint Case No. 2654 (C) of 2021 subject to the conditions
as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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