

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8836 of 2024

Arising Out of PS. Case No.-1316 Year-2022 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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1. Shankar Vishwas S/O Late Kailash Bishwas
 2. Rajesh Thakur
 3. Jiwach Kumar Thakur @ Jeewachh Kumar Thakur
Both S/O Upendra Thakur
 4. Sulekha Devi W/O Mahendra Prasad Thakur
 5. Mahendra Prasad Thakur S/O Late Mukhlal Thakur
 6. Sanjeev Kumar Thakur S/O Birendra Thakur
All R/O Village- Dandkhora, P.S- Dandkhora, Distt.- Katihar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Shyam Narayan Jha @ Shastri S/O Late Sunder Jha R/O Mohalla- Argara Chowk, P.S- Katihar Nagar, Distt.- Katihar, At Present House No. 165 B/2 Second Floor Green Land, Near Mangal Di Kulfi, Gurgaon-12201.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhauri Sahay, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-03-2024 Heard learned counsel for the petitioners, learned APP
for the State along with learned counsel for the O.P. No.2.

2. The petitioners seek bail in anticipation of his arrest in a case registered for the offences punishable under Section 420, 467, 468, 471, 120(B) of the Indian Penal Code in connection with C.A. No.1316 of 2022.

3. The learned counsel for the petitioners submit that the petitioners are person with clean antecedent and have been



falsely implicated in the present case by the informant. It is next submitted that even presuming what has been alleged is true without admitting then the dispute is purely civil to which a criminal colour has been given. It is also submitted that in the event if the O.P. No.2 is aggrieved by the execution of the sale deed, in that event the O.P. No.2 has remedy of getting the sale deed cancelled.

4. The learned counsel appearing on behalf of the O.P. No.2 submits that the case is not as simple as it has been made out by the learned counsel appearing on behalf of the petitioners. It is next submitted that petitioner no.2 and 3 are son of Upendra Thakur and Upendra Thakur had filed Title Suit No.105 of 2006 in the court of learned Sub-Judge-IIInd, Katihar, in which the wife of the present informant namely, Ganga Devi was the defendant. It is next submitted that Ganga Devi during the pendency of the title suit died and accordingly her legal heirs were substituted.

5. It is thus submitted that Upendra Thakur was aware that Ganga Devi had died and as such had substituted her legal heirs. It is further submitted that in the present case the accused persons including the sons of Upendra Thakur i.e. petitioner no.2 and 3 got the land of the O.P. No.2 registered in their



favour by one Gulabo Devi who impersonated herself as Ganga Devi. It is further submitted that since Ganga Devi had died earlier and she was substituted in the aforesaid title suit in which the land on which sale deed has been executed in favour of the accused persons was a subject matter of dispute amply demonstrate that it is a case of forgery, impersonation and cheating committed by the accused persons in getting the sale deed executed.

6. Considering the submissions made by the learned counsel appearing on behalf of the O.P. No.2, the Court is not inclined to grant the privilege of anticipatory bail to the petitioners, accordingly, the anticipatory bail application is rejected.

(Satyavrat Verma, J)

Prakash Narayan

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