

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10473 of 2024

Arising Out of PS. Case No.-288 Year-2021 Thana- DURAULI District- Siwan

1. Most Subhmati Devi @ Swabhawati Devi W/O Late Rabindra Nath Tiwari @ Ravindra Nath Tiwari R/O Village- Kalyani, P.S- Guthani, Distt.- Siwan, At Present Resident At House No. 133/3 Tiwari Bhawan, Raghav Nagar, East Lane No. 4, P.S- Kotwali, Distt.- Deoria, Uttar Pradesh.
2. Bishundev Nath Tiwari @ Vishnu Dev Nath Tiwari @ Vishnudev S/O Late Rabindra Nath Tiwari @ Ravindra Nath Tiwari R/O Village- Kalyani, P.S- Guthani, Distt.- Siwan, At Present Resident At House No. 133/3 Tiwari Bhawan, Raghav Nagar, East Lane No. 4, P.S- Kotwali, Distt.- Deoria, Uttar Pradesh.
3. Brajesh Nath Tiwari @ Brijesh Nath Tiwari S/O Late Rabindra Nath Tiwari @ Ravindra Nath Tiwari R/O Village- Kalyani, P.S- Guthani, Distt.- Siwan, At Present Resident At House No. 133/3 Tiwari Bhawan, Raghav Nagar, East Lane No. 4, P.S- Kotwali, Distt.- Deoria, Uttar Pradesh.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Chandeshwar Nath Tiwari S/O Late Ayodhya Nath Tiwari R/O P.S Guthani, Distt.- Siwan, At Present Ward No. 7, Near Office Of Hndustan Dainik Raghaw Nagar, P.S- Kotwali, Distt.- Deoria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raghwendra Singh, Advocate
For the State	:	Mr. Dashrath Mehta, APP
For the Informant	:	Mr. Ranjeet Kumar Pandey, Advocate Mr. Rajesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioners, learned counsel for the informant as well as learned A.P.P. for the State.

02. Learned counsel for the petitioners submits that petitioner no. 1 has surrendered before the learned court below and he has been released on bail. Hence, he seeks permission to withdraw the present petition against petitioner no.1, namely,



Most Subhmati Devi @ Swabhawati Devi.

02. Permission is accorded.

03. Accordingly, the present petition stands dismissed as withdrawn against petitioner no. 1, Most. Subhmati Devi @ Swabhawati Devi.

04. In the present case, the petitioners are apprehending their arrest in connection with Durauli P.S. Case No. 288 of 2021, registered on 02.12.2021, for the alleged offence under Sections 420, 120(B) of the Indian Penal Code.

05. As per prosecution case, co-accused Swabhawati Devi executed a sale deed in favour of the petitioner no.2, one of his son, and petitioner no. 2 witnessed the sale-deed. The informant has alleged that the said land was his share in the ancestral property, which he got in partition and it was wrongly registered in the name of petitioner-Bishundev Nath Tiwari.

06. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The dispute is on account of share of the land in ancestral property. The informant of this case is the uncle of petitioner nos. 2 & 3. The informant has not mentioned the details of the property in the FIR, which came into his share and was sold by the co-accused. The petitioners have got one criminal



antecedent, in which, they are on bail.

07. Learned A.P.P. for the State opposes the prayer for anticipatory bail. Learned counsel, Mr. Ranjeet Kumar Pandey, appears and submits that he would be filing *vakalatnama* on behalf of the informant and submits that petitioners have concealed their criminal antecedent.

08. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the predominantly civil nature of dispute between the parties, let the petitioners above named, in the even of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan/concerned court in connection with Durauli P.S. Case No. 288 of 2021, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

(I) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court below, if so



required by the learned trial court.

09. However, before accepting the bail bonds of the petitioners, the learned court below will verify the criminal antecedent of petitioners and if it is found that the petitioners are accused in more than one case(s) as mentioned herein, their bail bonds will not be accepted.

(Arun Kumar Jha, J)

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