

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18227 of 2024

Arising Out of PS. Case No.-480 Year-2023 Thana- DEHRI TOWN District- Rohtas

PRATIBIND PATHAK @ PRATIBIND PANDEY SON OF MARKANDEY
PANDEY @ PARAS KANT PANDEY Resident of Village - Dubauli, P.S.-
Tilouthu, District- Rohtas

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Neerad Parashar
For the Opposite Party/s	:	Mr. Sanjay Kumar
For the Informant	:	Mr. Rajani Kant Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-04-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State along with learned counsel for the
informant.

2. The petitioner apprehends his arrest in connection
with Dehri P.S. Case No. 480 of 2023 registered for the offences
punishable under Sections 406, 420, 467, 468, 471, 472, 120(B),
379, 323, 504 and 506 of the Indian Penal Code.

3. Learned counsel appearing on behalf of the
informant submits that the petitioner is his own brother and the
name of the father of the petitioner and the informant is Sheo
Bachan Pathak. It is further submitted that petitioner, being own
brother of the informant, sold the land which came in the share
of the informant through his maternal aunt (*Mausi*) by executing



three different sale deeds in favour of different purchasers. It is further submitted that though the sale deeds have not been brought on record but then it is not disputed and the learned counsel for the petitioner will also not dispute this fact that in the sale deed the petitioner has described himself as son of Paras Kant Pandey and Late Markandey Pandey, it is further submitted that Paras Kant Pandey was the husband of his maternal aunt, it is thus submitted that it absolutely does not stand to reason that as to why the petitioner while executing the sale deeds changed the name of his father, which amply demonstrates that he had intention to usurp the entire property of the maternal aunt which had also come in the share of the informant.

4. The learned counsel appearing on behalf of the petitioner rebuts the submissions of the learned counsel appearing on behalf of the informant and submits that petitioner was adopted by his maternal aunt and as such while executing the sale deed he recorded the name of his father as Paras Kant Pandey and Markandey Pandey who are the same person and husband of Girja Devi (maternal aunt of the petitioner and the informant). It is further submitted that since Girja Devi had adopted the petitioner, as such, while selling her property he



described himself as son of Paras Kant Pandey and Markandey Pandey. It is further submitted, at the cost of repetition, that Paras Kant Pandey is also known as Markandey Pandey, the said submission of the learned counsel appearing on behalf of the petitioner is rebutted by the learned counsel appearing on behalf of the informant and submits that this perhaps explains why the sale deed has not been brought on record by the petitioner or else it would have manifested that in one sale deed he has described himself as son of Paras Kant Pandey and in another sale deed he has described himself as son of Markandey Pandey. It is thus submitted that if both the persons would have been the same, in that event the petitioner would have recorded Paras Kant Pandey @ Markandey Pandey but then that is not the case. It is further submitted that there is no document on record to suggest that the maternal aunt of the petitioner adopted him validly, as such, in absence of legal adoption, the petitioner could not have described himself as son of Paras Kant Pandey and Markandey Pandey when he is son of Sheo Bachan Pandey.

5. Considering the submissions made by the learned counsel appearing on behalf of the informant, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.



6. Accordingly, the present anticipatory bail application stands rejected.

(Satyavrat Verma, J)

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