

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22450 of 2024

Arising Out of PS. Case No.-515 Year-2023 Thana- DHAKA District- East Champaran

Sangita Devi W/o Uttim Bhagat R/o Village - Barharwa Siwan, P.S.- Dhaka,
Dist. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 24304 of 2024

Arising Out of PS. Case No.-515 Year-2023 Thana- DHAKA District- East Champaran

1. KISHORI BHAGAT S/O LATE SOHARAI BHAGAT R/O BARHARWA SIWAN, P.S- DHAKA, DISTT.- EAST CHAMPARAN.
2. BIPIN BHAGAT @ VIPIN BHAGAT S/O RAMAJANAM BHAGAT R/O BARHARWA SIWAN, P.S- DHAKA, DISTT.- EAST CHAMPARAN.
3. JITENDRA BHAGAT S/O RAMAJANAM BHAGAT R/O BARHARWA SIWAN, P.S- DHAKA, DISTT.- EAST CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 22450 of 2024)

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, APP

Mr. Md. Waliur Rahman, Advocate

(In CRIMINAL MISCELLANEOUS No. 24304 of 2024)

For the Petitioner/s : Mr. Mohit Raj, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

Mr. Md. Waliur Rahman, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 10-05-2024

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of anticipatory bail apprehending their arrest in connection with Dhaka P.S. Case no. 515 of 2023 registered under sections 420, 467, 468, 471, 506 and 34 of the Indian Penal Code.



3. As per the prosecution case, the informant states that though he had not sold any immovable property nor executed any sale deed, the accused persons including the petitioner Sangita Devi along with her husband conspired and setting up an impostor as a vendor, got a forged sale deed registered in her name with respect to the petitioner's land. Hence this FIR.

4. Learned counsel appearing for the petitioners in Cr. Misc. no. 24304 of 2024 submits that the petitioners are innocent and have been falsely implicated in the case. They are not even beneficiary in the said sale deed nor have any role to play therein. On the face of it, the matter is purely a civil dispute for which Title Suit no. 139 of 2023 filed by the informant is already pending in the Court of learned Sub Judge-III, Sikrahana at Dhaka. It is submitted that co-accused Uttam Bhagat has been enlarged on regular bail vide order dated 24.4.2024 passed in Cr. Misc. no. 15607 of 2024.

5. Learned counsel appearing for the petitioner Sangita Devi submits that the petitioner is innocent and has been falsely implicated in the case. The matter is one of purely civil dispute for which the informant has already filed the Title Suit no. 139 of 2023 which is pending before the learned Sub Judge-



III, Sikrahana at Dhaka wherein the sale deed which is the subject matter of the instant FIR has already been challenged by the informant. The co-accused husband of the petitioner has been enlarged on regular bail vide order dated 24.4.2024.

6. Both the applications for anticipatory bail are opposed by learned APP for the State and learned counsel for the informant. Learned counsel for the informant submits that there is a clear case of cheating against the accused persons ie including the petitioners herein. So far as the petitioner Sangita Devi is concerned, she is the direct beneficiary of the criminal act done by the accused persons including her husband. So far as grant of bail to her husband Uttam Bhagat is concerned, the same was a case of regular bail in which the petitioner was in custody since 29.11.2023. It is submitted that the application for anticipatory bail be rejected.

7. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioners in the F.I.R, Title Suit with respect to the subject matter already being pending in the Court of learned Sub Judge-III, Sikrahana at Dhaka vide Title Suit no. 139 of 2023 and the petitioners not having any criminal antecedent, it is directed that all the petitioners, above named, in the event of



their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Dhaka P.S Case no.515 of 2023 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Sikrahana at Dhaka, East Champaran/Additional Chief Judicial Magistrate, East Champaran, Motihari subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Partha Sarthy, J)

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