

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19751 of 2024

Arising Out of PS. Case No.-254 Year-2019 Thana- COMPLAINT CASE District- Sheohar

1. Khushboo Devi W/O Malik Jha @ Hare Krishan Jha R/O Village- Aura, P.S- Tariyani, Distt.- Sheohar.
2. Radhe Krishna Jha S/O Satyendra Jha @ Satnarayan R/O Village- Aura, P.S- Tariyani, Distt.- Sheohar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Shobha Devi W/O Lalesh Pandey R/O Village- Mathurapur, P.S- Sheohar, Distt.- Sheohar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Prasad Singh
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-04-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State, Mr. Chandra Bhushan Prasad.

2. The petitioners apprehend their arrest in connection with Complaint Case No. CI-254/2019 for the offences punishable under Sections 420 and 406 of the Indian Penal Code.

3. The learned counsel for the petitioners submits that petitioners are daughter and brother-in-law of Saraswati Devi and the complainant alleges that she had entered into an agreement with Saraswati Devi for purchasing a piece of land for a consideration of Rs. 16.95 lakh out of which 13 lakh was



paid and the petitioner No. 1, on the agreement, was a witness whereas petitioner No. 2 was an identifier. It is further alleged that Saraswati Devi instead of selling the land in question to the complainant sold the same to one Bhagwat Pandey. It is also alleged that out of Rs. 16.95 lakh, an amount of Rs. 13 lakh was paid to Saraswati Devi when the agreement was entered into on which the petitioners had signed, as recorded hereinabove.

4. The learned counsel submits that even presuming what has been alleged is true without admitting, then the money was taken by Saraswati Devi and petitioners were witness and identifier on the agreement. It is further submitted that Saraswati Devi, after selling the land to Bhagwat Pandey, died. It is next submitted that petitioner No. 1, being daughter, has not inherited any property of Saraswati Devi, nor the amount of Rs. 13 lakh was given to petitioners.

5. Learned APP, Mr. Chandra Bhushan Prasad, vehemently opposes the anticipatory bail application and submits that no doubt at first blush, the dispute appears to be civil but then what transpires from the submissions and pleadings made by the learned counsel appearing on behalf of the petitioners that petitioners are daughter and brother-in-law of Saraswati Devi and they were aware that the complainant had



given Rs. 13 lakh to Saraswati Devi for purchasing a piece of land. It is next submitted that it absolutely does not stand to reason that if Saraswati Devi intended to sell the land to some other person after receiving part consideration from the complainant then why the same was not objected by the petitioners as it cannot be presumed nor it has been pleaded in the anticipatory bail application that Saraswati Devi sold the land to Bhagwat Pandey concealing the said fact from the petitioners.

6. Considering the submissions made by the learned APP, the Court is not inclined to extend the privilege of anticipatory bail to the petitioners.

7. Accordingly, the present anticipatory bail application is dismissed.

(Satyavrat Verma, J)

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