

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27246 of 2023

Arising Out of PS. Case No.-144 Year-2022 Thana- PANJWARA District- Banka

1. ASHOK MANDAL SON OF LATE HALDHAR MANDAL RESIDENT OF VILLAGE - CHAKAI, P.S. - PANJAWARA, DISTT. - BANKA
2. BIRENDRA MANDAL @ VIRENDRA MANDAL SON OF LATE HALDHAR MANDAL RESIDENT OF VILLAGE - CHAKAI, P.S. - PANJAWARA, DISTT. - BANKA
3. MOSTT. HEMWANTI DEVI @ HEMANTI DEVI WIFE OF LATE HALDHAR MANDAL RESIDENT OF VILLAGE - CHAKAI, P.S. - PANJAWARA, DISTT. - BANKA
4. CHANDRIKA DEVI WIFE OF ASHOK MANDAL RESIDENT OF VILLAGE - CHAKAI, P.S. - PANJAWARA, DISTT. - BANKA
5. PRIYANKA DEVI WIFE OF BIRENDRA MANDAL @ VIRENDRA MANDAL RESIDENT OF VILLAGE - CHAKAI, P.S. - PANJAWARA, DISTT. - BANKA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Balram Kapri
For the Opposite Party/s	:	Mr. Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 25-06-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State, Mr. Rabindra Kumar.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 452, 420, 504 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and have been falsely implicated in the instant case by the informant. It is



further submitted that informant is own uncle of petitioner nos. 1 and 2 and petitioner no. 3 is *bhabhi* of the informant while petitioner nos. 4 and 5 are cousin daughter-in-laws of the informant. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the dispute is purely civil to which a criminal colour has been given. It is next submitted that even the police after investigation submitted charge sheet bearing Charge Sheet No. 62 of 2023 dated 10.06.2023 wherein it was recorded that the allegation relates to land dispute, but the learned Magistrate in a mechanical manner took cognizance by an order dated 21.09.2023. It is next submitted that in sum and substance, the allegation is that petitioner nos. 1 and 2 have sold the land in favour of petitioner nos. 4 and 5 i.e. their respective wives. It is next submitted that since the land came in share of the petitioners, as such, they sold the land in favour of their wives. It is next submitted that if the informant is aggrieved by the sale deed executed by the petitioner nos. 1 and 2 in favour of petitioner nos. 4 and 5, in that event he has remedies available in law to approach a Court of competent civil jurisdiction for getting the sale deed cancelled.

4. Learned A.P.P. for the State, Mr. Rabindra Kumar,



vehemently opposes the prayer for anticipatory bail of the petitioners and submits that though petitioner nos. 4 and 5 may be innocent as they may not be knowing the legalities involved but then, petitioner no. 1 and 2 being aware that the property is ancestral in that event they could not have sold the land in favour of their respective wives. It is further submitted that if the property belonged to the petitioner nos. 1 and 2 in that event the petitioner nos. 4 and 5 automatically had share, but then the sale deed executed gives an impression that for some ulterior reason, the sale deed was executed. The learned APP fairly submits that there is no clear allegation against the petitioner no. 3.

5. Considering the submissions made by the learned counsel for the petitioners and the learned APP for the State, the **petitioner nos. 3, 4 and 5 above-named**, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Panjwara P.S. Case No. 144 of 2022 subject to the conditions as laid down under Section 438 (2) of



the Cr.P.C.

6. However, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner nos. 1 and 2.

7. Accordingly, the present anticipatory bail application is partly allowed.

(Satyavrat Verma, J)

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