

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30082 of 2024

Arising Out of PS. Case No.-407 Year-2023 Thana- BAIKUNTHPUR District- Gopalganj

1. Urmila Devi wife of Late Nagendra Singh Resident Of Village- Kritpura, Ps- Baikunthpur, Dist- Gopalganj
2. Upendra Singh Son Of Late Mangal Singh Resident Of Village- Kritpura, Ps- Baikunthpur, Dist- Gopalganj
3. Jai Prakash Mishra Son Of Late Dudh Nath Mishra Resident Of Village- Kritpura, Ps- Baikunthpur, Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Jha, Advocate
For the State	:	Mr. Dr. Ajeet Kumar, APP
For the Informant	:	Mr. Natraj Verma, Advocate
		Mr. Sachina, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 20-05-2024 Heard learned counsel for the petitioners, learned A.P.P. for the State as well as learned counsel for the informant, who has appeared *suo moto*.

2. The petitioners apprehend arrest in connection with Baikunthpur P.S. Case No. 407 of 2023 dated 29.11.2023 instituted for the offence punishable under Sections 467, 468, 471, 420/34 of the Indian Penal Code.

3. The allegation against the petitioner no. 1 and 2 is that they got the land of the informant registered fraudulently with the help of petitioner no. 3 in their favour.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and they have been falsely implicated in this case. It is further submitted that petitioner no. 3 is one of them who executed the sale deed in favour of the petitioner nos. 1 and 2. It is also submitted that the said land was inherited by petitioner no. 3, who is one of the co-sharer of the property of the common ancestor of informant and petitioner no. 3. Learned counsel for the petitioners submits that petitioners have not executed any document fraudulently or dishonestly with intention to cause irreparable loss to the informant. Learned counsel for the petitioners submits that the informant himself has filed a Title Suit No. 1222 of 2023 on 23.11.2023 for declaration of title and cancellation of sale deed. Learned counsel for the petitioners further submits that petitioner nos. 1, 2 & 3 are defendant nos. 2, 1 & 8 respectively in the said suit. It is submitted that after filing the Title Suit, the informant also lodged F.I.R. against the petitioners without disclosing the pendency of the Title Suit. It is submitted that the nature of allegation mentioned in F.I.R. is purely civil in nature. Title Suit is also pending for the aforesaid land. Lastly, it has been submitted that petitioners have no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioners. Learned counsel for the



informant vehemently opposed the prayer for anticipatory bail of the petitioners stating that petitioners have fraudulently executed the sale deed in their favour.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Baikunthpur P.S. Case No. 407 of 2023, they will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Gopalganj subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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