

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34245 of 2024

Arising Out of PS. Case No.-03 Year-2021 Thana- MOHAMMADPUR District- Gopalganj

1. Uma Devi W/O- Dashrath Sah @ Amarnath Sah @ Mahesh Sahni Village Dumaria, PS Mahammadpur, DIST- GOPALGANJ
2. DHANU KUMAR S/O JALESHWAR SAH VILLAGE- KUSHAHAR JHAJWA BAZAR, P.S.- MAHAMMADPUR,DIST- GOPALGANJ

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar Singh

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-05-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 419, 467 and 471 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and petitioner no. 1 is woman and have been falsely implicated in the instant case by the informant. It is further 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 petitioner no. 1 is second wife of



Mahesh Sahni. It is further submitted that Mahesh Sahani had two brothers, Suraj and Ganesh. It is submitted that informant is wife of Ganesh Sahni. It is further submitted that informant alleges that Mahesh and Suraj died issueless, as such, all properties of Mahesh and Suraj devolved on her, but the petitioner no. 1 portraying herself wife of Mahesh sold certain properties.

4. The learned counsel for the petitioners submits that from perusal of *Annexure-2* i.e. the Voter ID Card and *Aadhaar* Card, it would manifest that petitioner no. 1 is described as wife of Mahesh Sahni. It is, thus, submitted that if informant is aggrieved by execution of sale deed with respect to property of Mahesh Sahni by the petitioners in that event the informant ought to have moved before a Court of competent civil jurisdiction for getting the sale deed cancelled. It is also submitted that had the informant filed a case before a Court of competent civil jurisdiction for getting the sale deed cancelled, the petitioners would have got an opportunity to rebut her case, but instead of resorting to the remedies available in law, the informant instituted the instant criminal case to coerce the petitioners into submission.

5. Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners 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. 10,000/- (Rupees Ten 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 Mohammadpur P.S. Case No. 03 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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