

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29208 of 2023

Arising Out of PS. Case No.-317 Year-2021 Thana- MAJHAULIA District- West Champaran

1. Sanjay Singh Son Of Sitaram Singh Village- Dudha Ps- Majhauriya Dist- W. Champaran
2. Mukhrani Kumar @ Savitri Kunwar @ Mukhrani Kumari Village- Dudha Ps- Majhauriya Dist- W. Champaran
3. Indrajit Singh @ Inar Jeet Singh Son Of Ram Ekballi Singh Village- Dudha Ps- Majhauriya Dist- W. Champaran
4. Shivshankar Singh Son Of Late Rambalak Singh Village- Dudha Ps- Majhauriya Dist- W. Champaran

... .. Petitioners

Versus

1. The State of Bihar
 2. Virendra Singh s/o Bhola Singh, resident of village Dudha, Police Station Majhauriya, West Champaran
- Opposite Party

Appearance :

For the Petitioners : Mr.Bimlesh Kumar Pandey, Advocate
For the Opposite Party : Mr.Ram Sumiran Rai, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 14-05-2024 Petition for pre-arrest bail of petitioner no.1 has already been dismissed as withdrawn vide order dated 14.7.2023.

2. Heard learned counsel for the petitioners no. 2,3 and 4 and the State. Nobody appears for opposite party no.2 in spite of filing vaklatnama.

3. Petitioners apprehend arrest in a case registered for the offence punishable under sections 420, 468, 467, 471, 504/34 of the Indian Penal Code.

4. As per the prosecution case, informant/opposite party no.2 has stated that one Savitri Kunwar executed a Sale deed with respect to the land pertaining to Khata No. 38, Plot No. 509, measuring 0-0-8-1, Mauja Dudha in favour of opposite party no.2 on 27.08.2009. After that, said Savitri Kunwar has



sold the same land to petitioner no. 1 Sanjay Singh by impersonating herself as Most. Mukhrani Kumari in which petitioner no.3 and 4 stood as witness over the said deed. Opposite party no.2 further stated that, all those persons are aware of the fact that the said land is in possession of the opposite party no.2 from before, even then, the sale deed has been created deceitfully in favour of petitioner no.1. When opposite party no.2 came to know about the same on 16.04.2021, then he asked petitioner no.1 then petitioner no.1 abused him and took Rs. 5000/- from his pocket.

5. It is submitted on behalf of the petitioners that due to mistake of facts petitioners have falsely been implicated in this case. As a matter of fact, name of petitioner No. 2 is Mukhrani Kumar @ Savitri Kunwar @ Mukharani Kumari and she being an old aged and illiterate lady of 65 years, sometimes tells her name as Mukhrani Kunwar or sometime as Savitri Kunwar but she never impersonated someone else as alleged by the informant in the FIR. Petitioner No. 2 had executed a deed of gift in favour of petitioner No. 1 with respect to total land measuring 10 Kathas pertaining to Khata No. 4, Plot No. 25, measuring 9 Katha 13 Dhurs and also the land in question bearing Khata No. 38, Plot No. 509, measuring 7 dhurs. It is pointed out that, the aforesaid 7 dhurs of land, relating to Khata No. 38, Plot No. 509 had been mentioned in the gift deed No. 5979 dated 05.03.2021 due to some misconception and on realizing the mistake, petitioner No. 1 executed a deed No. 18722 dated 26.08.2021 in favour of petitioner No. 2 Mukhrani Kumari @ Savitri Kunwar and neither the petitioner No. 1 nor the petitioner No. 2 makes any claim over the land in question relating to the informant. Petitioners claim clean antecedent.



6. Considering the aforesaid facts of the case, prayer for bail of petitioners no. 2, 3 and 4 is allowed. In the event of arrest/surrender within six weeks from today, let these petitioners, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bettiah, West Champaran in Majhauriya Police Station Case No. 317 of 2021, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

7. In spite of order of addition of opposite party no.2 under order dated 14.7.2023, its description has not been seeded in the data base of this case record.

8. Office to add description of opposite party no.2 in the data base of the case and **be attentive in future** while listing the case.

(Prabhat Kumar Singh, J)

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