

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37402 of 2024

Arising Out of PS. Case No.-172 Year-2023 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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1. MAHESH RAI SON OF LATE RAGHUNATH RAI RESIDENT OF VILLAGE - SONWALIA, P.S. - BAIKUNTHPUR, DISTRICT - GOPALGANJ
 2. OM PRAKASH KUMAR SON OF RAMJANAM RAI RESIDENT OF VILLAGE - KHAIRA AZAM, P.S. - BAIKUNTHPUR, DISTRICT - GOPALGANJ
 3. SANTOSH KUMAR RAI @ SANTOSH RAI SON OF RAM JANAM RAI RESIDENT OF VILLAGE - KHAIRA AZAM, P.S. - BAIKUNTHPUR, DISTRICT - GOPALGANJ
 4. AMRENDRA RAI SON OF JITENDRA RAI RESIDENT OF VILLAGE - KHAIRA AZAM, P.S. - BAIKUNTHPUR, DISTRICT - GOPALGANJ

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. SURENDRA PRASAD SON OF LATE SHIVJI PRASAD RESIDENT OF VILLAGE - KHAIRA AZAM, P.S. - BAIKUNTHPUR, DISTRICT - GOPALGANJ

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dhramveer, Advocate
For the Opposite Party/s	:	Mr. Mohammed Arif, APP
For the O.P. No. 2	:	Mr. Indrajeet Bhushan, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 03-07-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State along with learned counsel appearing on behalf of the O.P. No. 2.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 420, 467 and 34 of the Indian Penal Code.
3. Learned counsel for the petitioners submits that petitioner nos. 1 and 3 are persons with clean antecedent and



petitioner nos. 2 and 4 have antecedent of one case and the complainant alleges that his brother Ramayodhya Prasad aged about 65 years is mentally weak and is unmarried. It is next alleged that taking advantage of the mental weakness of the brother of the complainant, the accused persons enticed him to get married and accordingly, on 10.12.2022, the accused persons took away his brother on a bike and three months thereafter there was a rumour that the accused persons got sale deed executed by his brother with respect to his share of land.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case, it is next submitted that from bare perusal of the allegation as alleged in the complaint, it would manifest that the dispute is purely civil to which a criminal colour has been given. It is also submitted that if what has been alleged in the complaint case are correct facts in that event the complainant ought to have moved before a Court of competent civil jurisdiction for getting the sale deed cancelled for being executed by a person of unsound mind, but instead of approaching a Court of competent jurisdiction the instant complaint case came to be instituted which amply demonstrates that the present case is nothing but a ploy to coerce the petitioners into submission.

5. Learned A.P.P. for the State and the learned counsel



appearing on behalf of the O.P. No. 2 oppose the prayer for anticipatory bail of the petitioners, but are not in a position to rebut the submission of the learned counsel for the petitioners that in the event if the complainant is aggrieved by the execution of the sale deed by his brother on account of unsoundness/mental weakness in that event he has remedy of approaching a Court of competent civil jurisdiction.

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 Complaint Case No. 172 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. Accordingly, the present anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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