

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38315 of 2024

Arising Out of PS. Case No.-736 Year-2023 Thana- SHEKHPURA District- Sheikhpura

1. Sabnam Kumari W/O Kamlesh Kumar R/O Village Panchi, P.O-Panhesha, P.S. Shekhopur Sarai Dist- Sheikhpura
2. Kamlesh Kumar S/O Genauri Mahto R/O Village Panchi, P.O-Panhesha, P.S. Shekhopur Sarai Dist- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar, Adv.

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 09-08-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Sheikhpura P.S Case No. 736/2023 dated 27.10.2023 registered for the offences punishable u/ss 467, 468, 471, 419 and 420 of the Indian Penal Code.

3. As per the prosecution case, on 20.10.2023, the informant's mother left home and did not come back for 2-3 days. The informant along with his brothers searched and they got to know that her mother has sold a land. Later, when they went to registry office, the informant came to know that in the two sale deeds Shabnam Kumari (petitioner) and Rukmani Devi



are the purchasers and Raju Kumar and Dheeraj Kumar are identifier and witness respectively. The co-accused persons executed registered sale deed of the land in question personating (dummy) on behalf of his mother and brother after making forged documents.

4. Learned counsel for the petitioners have submitted that the petitioners are innocent and have falsely been implicated in this case. The petitioners have made accused in this case by the informant on the basis of sale deed bearing no. 8548 executed in favour of the petitioner no. 1 and nothing else. The petitioners are the husband and wife and they have no concern with the alleged offence. The petitioners have nothing to do with regard to alleged cheating or forgery in registration of present sale deed. Everything has been done by the said Dhiraj Kumar keeping the petitioners in dark. Thus, the petitioners have been cheated by said Dhiraj Kumar and Ajeet Kumar and took the entire consideration amount of Rs. 10,25,500/- from the petitioners. During the investigation of the case, when Dhiraj Kumar was arrested by police then he confessed his entire guilt which has come in para 40 of the case diary as stated in para 11 of the bail petition. The co-accused person has already been granted anticipatory bail by this court vide order dated



11.03.2024 passed in Cr. Misc. No. 10185 of 2024. The petitioners have no criminal antecedent as stated in para 3 of the bail petition.

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

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioners, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned court concerned, Sheikhapura in connection with Sheikhapura P.S Case No. 736/2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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