

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47096 of 2024

Arising Out of PS. Case No.-2045 Year-2023 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. Most Radha Devi W/o Late Ram Balak Rai
 2. Umesh Kumar Rai S/o Late Ram Balak Rai
 3. Babita Devi W/o Umesh Kumar Rai
 4. Madan Murari Sah S/o Late Ram Pratap Sah, All are R/o Village Bahadurpur Armauli PS Sarairanjan Ghatho OP, Distt. - Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rekha Devi W/o Lalan Rai R/o Village Bahadurpur Armauli PS Sarairanjan Ghatho OP, Distt. - Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh, Advocate
For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 26-10-2024 Heard learned counsel for the petitioners as well as learned APP for the State. No one appears on behalf of the O.P. No.2.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 323, 341, 467, 468, 417, 420, 504, 506 of the IPC in connection with Complaint Case No.2045 of 2023.

3. The learned counsel for the petitioners submit that petitioner no.1 is step mother-in-law of the complainant while petitioner no.2 is step brother-in-law of the complainant and petitioner no.3 is wife of petitioner no.1 and petitioner no.4 is an



identifier on the sale deed executed by Umesh Rai i.e. petitioner no.2.

4. The learned counsel for the petitioner submits that O.P. No.2 alleges that alleges that she purchased land pertaining to Khata No.481(O), 311(N), Khesra No.739 (O), 900 (N) having an area of 3.8 decimal from petitioner no.2 and came in peaceful possession over the land. Further, it is alleged that Umesh Rai got the land which he sold to the complainant gifted in favour of his minor son Amarnath Rai and wife Babita Devi by his mother i.e. petitioner no.1. It is next alleged that when complainant went on the land for the purposes of construction of the house when the accused persons objected based on the said gift deed. It was then that complainant came to know about the said fraudulent transaction.

5. The learned counsel appearing on behalf of the petitioner submits that on account of dispute relating to property in the family with the husband of the complainant, the instant false case has been instituted. It is next submitted no doubt Umesh Rai i.e. petitioner no.2 has sold the land in question to the complainant, but the land which has been gifted by his mother in favour of his son and wife though pertains to the same khata and khesra, but then the boundary is different. It is also



submitted that O.P. No.2 is in possession of the land in question. It is further submitted that the dispute is purely civil to which a criminal colour has been given.

6. The learned APP opposes the anticipatory bail application.

7. 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 Court below within a period of six weeks, are directed to be released on anticipatory bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Ist Class, Samastipur in connection with Complaint Case No.2045 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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