

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47434 of 2024

Arising Out of PS. Case No.-3164 Year-2023 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. Sanjay Tiwari Son Of Late Ishwar Tiwari Resident Of Village - Shambhu Chack, P.S. - Kalyanpur, District - East Champaran
 2. Sangeeta Devi @ Sangita Devi Wife Of Sanjay Tiwari Resident Of Village - Shambhu Chack, P.S. - Kalyanpur, District - East Champaran
 3. Ramsakhi Devi @ Ramshakhi Devi Wife Of Late Prabha Sahani @ Parma Sahani Resident Of Village - Shambhu Chack Tola Heera Chhapara, P.S. - Kalyanpur, District - East Champaran
 4. Bhuwali Sahani @ Bhuwali Sahni Son Of Late Bigu Sahani Resident Of Village - Shambhu Chack Tola Heera Chhapara, P.S. - Kalyanpur, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar Prasad, Advocate
For the Opposite Party/s	:	Mr. Jagdhar Prasad, APP
For the Complainant	:	Mr. Vijay Shankar Srivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 27-08-2024 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and the learned counsel appearing on behalf of the complainant.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 323, 379, 420, 504, 506 and 34 of the Indian Penal Code.
3. Learned counsel for the petitioners submit that petitioners are persons with clean antecedent and the complainant alleges that her father-in-law had executed a sale



deed in her favour with respect to a piece of land, further on 23.10.2023, she confronted the accused persons that as to why they sold her land on which Sanjay Tiwari became angry and started assaulting the complainant and dashed her on the ground by grabbing her hair, thereafter, Sangeeta Devi snatched her golden *mangalsutra* and Ram Babu Sahni, Ramshakhi Devi and Bhuwali Sahani tore the blouse of the complainant and also assaulted her husband.

4. Learned counsel for the petitioners submit that petitioners have been falsely implicated in the instant case by the complainant. It is also submitted that Sanjay Tiwari is brother-in-law (*dewar*) of the complainant, Sangeeta Devi is wife of Sanjay Tiwari and Ramshakhi Devi is purchaser of the land from Sanjay Tiwari and Sangeeta Devi and Bhuwali Sahani is son of Ramshakhi Devi. It is next submitted that though complainant in the complaint alleges that the land in question was executed in her favor by her father-in-law, but then it is submitted that father of Sanjay Tiwari had executed a sale deed with respect to the land in question in favor of his wife Sangeeta Devi based on which the sale deed was executed in favor of Ramshakhi Devi. It is also submitted that the dispute is purely civil to which a criminal color has been given. It is next



submitted that if complainant is aggrieved by the fact that Sanjay and Sangeeta had executed a sale deed with respect to the land in question in that event she can move before a Court of competent civil jurisdiction for getting the sale deed cancelled. It is also submitted that a partition suit being Partition Suit Case No. 542 of 2023 is pending adjudication in between Sanjay Tiwari and his brother in the Court of learned Civil Judge, Motihari, East Champaran. It is also submitted that allegation of assault and snatching of chain is ornamental.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of complainant oppose the prayer for anticipatory bail application, but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioners that Sanjay Tiwari is own brother-in-law (*dewar*) of the complainant and they are having dispute relating to property.

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. 3164 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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

(Satyavrat Verma, J)

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