

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52168 of 2021

Arising Out of PS. Case No.-954 Year-2020 Thana- COMPLAINT CASE District- Araria

1. Vishnu Paswan S/O Upendra Paswan R/O Village/ Mohalla- Hospital Road, Ward No.07, Forbesganj, P.S.- Forbesganj, District- Araria.
2. Krishna Kr. Paswan @ Krishna Kumar @ Krishna Kumar Paswan Son Of Upendra Paswan R/O Village/ Mohalla- Hospital Road, Ward No.07, Forbesganj, P.S.- Forbesganj, District- Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh
For the Opposite Party/s : Mr.Brajendra Nath Pandey- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 19-03-2024 1. Heard learned counsel for the petitioners and

learned APP for the State.

2. The petitioners seek bail in anticipation of their

arrest in Complaint Case No.954 of 2020 registered for the

offences punishable under Sections 420, 467, 468, 406,

379, 323 and 504 of the Indian Penal Code, but cognizance

has been taken under Sections 420, 467, 468, 323 and 34

of the I.P.C.

3. The learned counsel for the petitioners submits

that the petitioners are persons with clean antecedent and

have been falsely implicated in the present case by the



complainant. It is next submitted that the dispute is purely civil to which a criminal colour has been given. It is further submitted that in the event, if the complainant is aggrieved by the fact that sale deed has been executed fraudulently with respect to her land, in that event, she has remedy of approaching the Court of competent jurisdiction for getting the sale deed cancelled, but the complainant, instead of resorting to remedies available in law, has filed the present complaint case with an allegation that she along with her mother had purchased land measuring $4\frac{1}{4}$ decimal vide registered sale deed dated 17.03.1979 and later, got half of it through oral partition and got her name mutated.

4. It is further alleged that in the sale deed, the name of her husband was wrongly mentioned as Saryug Paswan in place of Shyam Lal Paswan, which remained uncorrected and thereafter, on 28.10.2018, the petitioners came and asked her to vacate the land on the ground that they had purchased the land in question. It is next alleged that when she saw the copy of the sale deed, it manifested that Saryug Paswan described complainant as dead and



issueless and portrayed himself as husband of the complainant and sold the land to the petitioners.

5. The learned counsel for the petitioners submits that even presuming what has been alleged is true without admitting, in that event, the only allegation against the petitioners is that they purchased the land. It is also submitted that whether the land has been sold by the person, who has title over the land or the sale deed has been executed fraudulently, can be tested in a duly constituted civil proceeding. It is also submitted that petitioners, even after verifying all the relevant facts, had purchased the land in question. It is thus submitted that in the event, if the complainant has any grievance with respect to the sale deed in question, in that event, she ought to have filed an application seeking cancellation of the sale deed where the executor of the sale deed along with the petitioners would have got an opportunity to rebut the claim of the complainant.

6. Learned A.P.P. 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 bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-VI, Araria in connection with Complaint Case No.954 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

(Satyavrat Verma, J)

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