

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49074 of 2024

Arising Out of PS. Case No.-458 Year-2023 Thana- BIBHUTIPUR District- Samastipur

1. Dharamveer Kumar @ Dharmvir Kumar @ Dharmveer Kumar S/O Ramjivan Mahto @ Ramjivan singh R/o Kodariya, PS- Bibhutipur, Distt -Samastipur
 2. B.K. Singh @ Vittu Kumar S/O Ganesh Singh
 3. Ganesh Singh S/O Late Bhupendra Prasad Singh
- Both 2 & 3 are R/O Village-Belsandi Dih,P.S.-Bibhutipur,Distt-Samastipur
... .. Petitioner/s

Versus

1. The State of Bihar
 2. Sunda Devi W/O Radheshyam Singh R/O Village-Badgav,P.S.-Kusheshwar Sthan, Distt-Darbhanga
- Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghwendra Pratap Singh, Advocate
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP
Mr. Yogesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 11-09-2024 Heard learned counsel for the petitioners, learned APP for the State and the learned counsel appearing on behalf of the informant.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 467, 468, 471, 420 and 34 of the IPC in connection with Bibhutipur P.S. Case No.458 of 2023.



3. The learned counsel for the petitioners submit that petitioners are person with clean antecedent and the informant alleges that they are five sisters only, namely, Nanda Devi, Fulo Devi, Sunda Devi (informant), Kewal Devi and Banarsi Devi and further alleges that she heard a rumour that Mala Devi daughter-in-law of his sister Kewal Devi purchased 3 Kattha 4 Dhur of land by a registered sale deed from Kewal Devi, on inquiry it was found that sale deed dated 14.11.2023 was executed on which informant and her younger sister Banarsi Devi were made witnesses, when they have not signed the sale deed as witnesses, thus alleges that it appears that there signature was forged on the sale deed. It is also alleged that the parents of the informant had left only 3 Kattha 4 Dhur of land amongst the sister, but Kewal Devi sold the entire land in favour of her daughter-in-law by forging the signature of informant and Banarsi Devi.

4. The learned counsel for the petitioners submit that petitioners have been falsely implicated in the instant case by the informant. It is further submitted that petitioner no.1 is identifier of Kewal Devi on the sale deed while petitioner no.2 and 3 are son and husband of Kewal Devi. It is also submitted that the dispute is purely civil to which a criminal colour has



been given. It is next submitted that even presuming what has been alleged is true without admitting then petitioner no.1 is merely an identifier on the sale deed whereas petitioner no.2 and 3 are not alleged to have signed the sale deed in any manner, but then they have been implicated with an allegation that they connived with Kewal Devi in committing the forgery.

5. The learned counsel appearing on behalf of the informant vehemently opposes the anticipatory bail application. It is next submitted that a specific allegation is alleged in the FIR, that the signature of the informant and Banarsi Devi was forged on the sale deed as witnesses when they had not signed the sale deed. It is also submitted that apart from the land which Kewal Devi sold in favour of her daughter-in-law, apart from the said land the sisters had no other property left by their parents. It is also submitted that it absolutely does not stand to reason that if petitioner no.1 knew Kewal Devi whom he identified then definitely he would have known the informant and Banarsi Devi but then impostors signed as witnesses on the sale deed as such it can be safely presumed that petitioner no.1 was in connivance with the accused persons, it is further submitted that the entire family of Kewal Devi including her husband and son along with the daughter-in-law in connivance



of the petitioner no.1 committed the forgery and deprived the informant and other sisters of their share in the property, it is also submitted that investigation of the case is in its nascent stages and since the prices of land in Bihar has skyrocketed, as such such forgery is being committed.

6. Considering the submissions made by the learned counsel appearing on behalf of the informant and the fact that investigation is in its nascent stages, the Court is not inclined to extend the privilege of anticipatory bail to the petitioners, accordingly, the anticipatory bail application is rejected.

(Satyavrat Verma, J)

Prakash Narayan

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