

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47018 of 2024

Arising Out of PS. Case No.-275 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Manjula Prakash @ Manju W/o Narayan Singh @ Sri Narayan Singh R/o vill - Adarsh Nagar, Bazar Samiti, Ara, P.S. - Nawada Ara, Distt. - Bhojpur
 2. Ravi Roushan S/o Narayan Singh @ Sri Narayan Singh R/o vill - Adarsh Nagar, Bazar Samiti, Ara, P.S. - Nawada Ara, Distt. - Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sarad Chandra S/o Sri Krishna Singh R/o I/10 Weaker Section, Post - Lohiya Nagar, Kankarbagh, Distt. - Patna, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar
For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 27-09-2024 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 420, 467, 468 of the Indian Penal Code.

3. The learned counsel for the petitioners submit that the case was taken up on 24.07.2024, when notices were issued on the O.P. No. 2. It is next submitted that from perusal of the office note dated 26.09.2024, it would manifest that the ordinary notice has been returned by the process server stating that house of O.P. No. 2 was locked and after enquiry, it was found that



O.P. No. 2 went to village and A/D with registered cover notice has been returned stating that no such person found on given address.

4. The learned counsel for the petitioners submit that no useful purpose would be served by waiting for the O.P. No. 2 to appear, as accused persons namely, Shashi Shekhar and Fuljhariya Devi had approached this Court, seeking anticipatory bail by filing Cr. Misc. No. 56803 of 2024 and the same was allowed by an order dated 23.09.2024.

5. The learned counsel for the petitioners submit that the petitioners are persons with clean antecedent and petitioner no. 1 is a woman and the complainant alleges that he is illegitimate son Krishna Singh, his mother was Sita Devi. It is next alleged that the land in dispute was purchased from the income of his mother and not from the income of his father but the lands were registered in the name of Krishna Singh, thereafter, the land have been transferred illegally in the name of Harshvardhan and Shashi Shekhar along with Fuljhariya and the petitioners are witnesses on the gift deed.

6. The learned counsel for the petitioners submit that the petitioners have been falsely implicated in the instant case by the complainant. It is next submitted that Shashi Shekhar is



legitimate son of Krishna Singh and Fuljhariya is wife of Shashi Shekhar. It is next submitted that Krishan Singh was married to Laxmi Devi and was son of Ramdeo Singh, but the complainant intentionally described Shashi Shekhar as son of Ramdeo Singh when he was grandfather of Shashi Shekhar. It is next submitted that Shashi Shekhar is son of Krishna Singh and Laxmi Devi and the land in question was self acquired property of Krishna Singh, who had gifted the land to Harshvardhan, his grandson i.e. son of Shashi Shekhar and Fuljhariya. It is submitted that petitioners were also witnesses on the said gift deed along with Shashi Shekhar and Fuljhariya. It is next submitted that complainant has filed Title Suit No. 361 of 2019, which is pending adjudication before the Court of learned Sub-Judge-1, Danapur to declare the gift deed in favour of Harshvardhan as illegal.

7. The learned counsel thus submits that the dispute is purely civil to which a criminal colour has been given. It is next submitted that in the event, if the Title Suit No. 361 of 2019 is decided against the complainant, whether it would be prudent for the Court to send the petitioners to jail.

8. The learned APP for the State opposes the anticipatory bail application.



9. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his 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 1st Class, Danapur, Patna in connection with Complaint Case No. 275C of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

10. **The application stands allowed.**

(Satyavrat Verma, J)

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