

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56803 of 2024

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

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1. Shashi Shekhar @ Dipak Yadav S/o Late Shri Krishna Singh R/o vill - Pipra, P.s. - Garhani, Distt. - Bhojpur (Ara)
 2. Fuljhariya @ Suman Kumari W/o Shashi Shekhar @ Dipak Yadav R/o vill - Pipra, P.s. - Garhani, Distt. - Bhojpur (Ara)

... .. 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. Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-09-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 420, 467, 468 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and petitioner no.2 is a woman and the complainant alleges that he is illegitimate son of 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 lands have been transferred illegally in the name of Harshvardhan and the petitioners are witnesses on the deed.

4. The learned counsel submits that petitioners have been falsely implicated in the instant case by the complainant. It is next submitted that petitioner no.1 is son of Krishna Singh and petitioner no.2 is wife of petitioner no.1. It is next submitted that Krishna Singh was married to Laxmi Devi and was son of Ramdeo Singh but the complainant intentionally has described petitioner no.1 as son of Ramdeo Singh when he was grand father of the petitioner no.1. It is further submitted that petitioner no.1 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, minor son of the petitioners. It is further submitted that the complainant has filed Title Suit No.361/2019, which is pending adjudication before the court of learned Sub-Judge-1, Danapur to declare the gift deed in favour of Harshvardhan as illegal (Annexure-2 to the anticipatory bail application). The learned counsel thus submits that the dispute is purely civil to which a criminal colour has been given. It is also submitted that in the event if the Title suit No.361/2019 is decided against the complainant, whether it



would be prudent for the court to send the petitioners to jail.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

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 Court below 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 learned trial court where the case is pending/successor court in connection with Complaint Case No.275© of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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