

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59071 of 2024

Arising Out of PS. Case No.-1009 Year-2023 Thana- CHAPRA MUFFASIL District- Saran

1. Seema Devi W/o Jogendra Pandey @ Yogendra Pandey R/o vill- Juafar tola, P.s. - Bhagwanpur Hat, Distt. - Siwan
2. Jogendra Pandey @ Yogendra Pandey S/o Guptnath Pandey R/o vill- Juafar tola, P.s. - Bhagwanpur Hat, Distt. - Siwan
3. Rohit Kumar S/o Jogendra Pandey @ Yogendra Pandey R/o vill- Juafar tola, P.s. - Bhagwanpur Hat, Distt. - Siwan
4. Jitendra Rai @ Jitendar Rai S/o Gama Rai R/o vill - Jaan Tola, Daulatganj, P.S. - Bhagwan Bazar, Distt. - Saran at chpara
5. Dharmendra Singh S/o Upendra Singh R/o vill -Nayaka Barka Baiju Tola, P.S. - Rivilganj, Distt - Saran at Chapra
6. Ranjan Kumar S/o Late Kapildeo Prasad R/o Mohalla - Gudari Rai Ke Chowk, ward no. 14, P.S. - Bhagwan Bazar, Distt. - Saran at Chapra
7. Varun Kumar Rai @ Barun Kumar Rai S/o Late Ravindra Rai R/o vill - Soniya, P.s. - Daudpur, Distt. - Saran at Chapra
8. Jai Kumar Singh S/o Prabhunath Singh R/o vill - Mohammadpur, Parsa Repura, P.S. - Rivilganj, Distt. - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Adv.

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 11-09-2024 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Chapra (Saran) Mufassil P.S. Case No. 1009 of 2023 dated 24.12.2023, instituted for the offence punishable under Sections 419, 420, 467, 468, 471, 504, 506, 348 and 120(B) of the Indian



Penal Code.

3. The prosecution case, in short, is that the informant claimed that all the accused persons in connivance with others with intention to grab the land in question of the informant have got registered an agreement for sale of the land in question in favour of the co-accused persons namely Jitendra Rai, Dharmendra Singh, Ranjan Kumar, Varun Kumar Rai and Jai Kumar Singh in which the co-accused Jogendra Pandey who is the husband of the co-accused Seema Devi is the witness and the co-accused Rohit Kumar, who is the son of the co-accused Seema Devi and Jogendra Pandey, is the identifier.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that petitioner no. 1 is full sister of the informant, who executed registered agreement for sale on 13.10.2023 in favour of petitioner nos. 4 to 8 with regard to her share. It is submitted that on perusal of the F.I.R., it appears that there is mention about the status and relation between petitioner no. 1 and the informant. It is submitted that advance money of Rs. 50,000/- was given to petitioner no. 1 by petitioner nos. 4 to 8 and total consideration amount was Rs. 11,44,000/-. It is submitted that petitioner nos. 2 and 3 are the witness and



identifier of the said agreement for sale. It is submitted that the land in question is ancestral property of petitioner no. 1 and she has share in the said property. It is submitted that informant is full brother of accused Seema Devi (petitioner no. 1) and she has inherited share in the said property. It is submitted that Late Indrajeet Mishra is father of petitioner no. 1 and the informant. The dispute is purely civil in nature and the present criminal case is not sustainable in the eye of law. Lastly, it has been submitted that there is no criminal antecedents of petitioner nos. 1, 2, 3, 4, 6, 7 and 8 whereas petitioner no. 5 has one criminal case against him.

5. Learned A.P.P. for the State and learned counsel for the informant have opposed the prayer for bail of the petitioners.

6. On the other hand learned counsel for the informant submits that there is specific allegation against the petitioner no.1, who executed a registered agreement to sale in favour of accused persons debarring the informant from his possession.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Chapra (Saran) Mufassil P.S. Case No. 1009 of 2023, they shall be released on



anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Saran at Chapra, subject to condition as laid down under Section 438(2) of the Cr.P.C..

(Khatim Reza, J)

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