

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58625 of 2024

Arising Out of PS. Case No.-7773 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Sushila Devi wife of sharawan Kumar @ Sarvan Kumar village- Balmichak, Anisabad, Ps- Phulwarisharif, Dist- Patna
 2. Amresh Kumar son of Late Nasib Lal village- Balmichak, Anisabad, Ps- Phulwarisharif, Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anil Kumar Pandey son of Binda Pandey @ Binda Sharma village- Sheikhpura, Ps- Airport, Dist- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vivekanand Singh
For the Opposite Party/s : Mr. Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-09-2024 1. Heard learned counsel for the petitioners and learned APP for the State and the learned senior counsel appearing on behalf of the O.P. No. 2.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 420, 467, 468, 472, 120(B) of the Indian Penal Code.

3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and being purchaser of the land in question and identifier on the sale deed, they came to be implicated in the instant case by the complainant. It is next submitted that the complainant alleges



that Binda Pandey (father of the complainant) and Parmeshwar Pandey jointly purchased land through registered sale deed, after the death of Binda Pandey, in 2003, Parmeshwar Pandey kept all the original documents with him, further Parmeshwar Pandey also died in the year 2017. It is next alleged that while the documents were with Parmeshwar Pandey when his son sold the joint property to various purchasers without the knowledge or consent of the complainant and when the complainant visited the land, he discovered that it has been fenced off by the accused persons thus alleges that the accused persons including the petitioner connive to grab his land by creating forged documents, causing him loss of approximately Rs. One Crore.

4. The learned counsel for the petitioners submits that the petitioners have been falsely implicated in the instant case being purchasers of the land in question and identifier on the sale deed in question. It is next submitted that petitioners had purchased the land in question from Parmeshwar Pandey by a sale deed dated 02.04.2011. It is further submitted that it is not in dispute that Parmeshwar Pandey and Binda Pandey were brothers. It is also submitted that if a dispute has arisen in the family that in no way can connect the petitioners with the offence that petitioners after hatching a criminal conspiracy



purchased the land in question.

5. The learned senior counsel Sri Keshav Srivastava, appearing on behalf of the O.P. No. 2 opposes the anticipatory bail application and submits that it is not in dispute that Binda Pandey and Parmeshwar Pandey were brothers but then after death of Binda Pandey all the relevant documents relating to the land was kept by Parmeshwar Pandey. It is also submitted that a family partition with respect to the property in question had taken place in the family and the property was clearly demarcated with boundaries. It is next submitted that when there was a family partition and the properties were demarcated where was occasion for the seller to sell the land which had fallen in the share of Binda Pandey and his family.

6. At this stage, the learned counsel appearing on behalf of the petitioners submits that already a Title Suit No. 493 of 2023 is pending adjudication in the Court of learned Sub-Judge-1, Patna, in which Anil Pandey (Son of Binda Pandey) is the plaintiff and the family of Parmeshwar Pandey and the purchasers are impleaded as defendant. It is also submitted that in the event, if the title suit is dismissed then whether it would be prudent for this Court to send the petitioner to jail at this stage.



7. The Learned senior counsel appearing on behalf of the complainant at this stage submits that the yardstick for adjudicating the case of the seller should not be the same as that of the purchaser and identifier.

8. Considering the submissions and the fact that petitioners are purchaser of the land from Parmeshwar Pandey, the petitioners, above-named, in the event of their 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 Priyanka Yadav, J.M. 1st Class, Patna in connection with complaint case No. 7773 (c) of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

9. **The application stands allowed.**

(Satyavrat Verma, J.)

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