

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59246 of 2024

Arising Out of PS. Case No.-1669 Year-2021 Thana- SARAN COMPLAINT CASE District-
Saran

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1. Niraj Kumar Singh S/o Binda Singh R/o Village- Gayaspur, Police station- Amnour, District- saran chapra
 2. Binda Singh S/o Late Chandrika Singh R/o Village- Gayaspur, Police station- Amnour, District- saran chapra
 3. Vinod Mishra S/o Late Rameshwar Mishra R/o Village- Rasulpur, Police station- Amnour, District- saran chapra

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pashupati Upadhyay S/o Late Mahendra Upadhyay R/o Village- Rasulpur, Police station- Amnour, District- saran chapra

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra
For the Opposite Party/s : Mr.Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 09-09-2024 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel appearing on behalf of the complainant.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 420 and 34 of the Indian Penal Code.
3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the complainant alleges that the petitioners in connivance got sale deed executed by Sanjay in favour of Niraj on which Vinda is a



witness, the sale deed was executed showing complainant dead.

4. The learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the complainant. It is next submitted that petitioner No. 1 is the purchaser of the land, while petitioner Nos. 2 and 3 are witnesses on the sale deed. It is further submitted that it is not in dispute that the land in question was sold by Sanjay in favour of Niraj; and Sanjay is son of the complainant. It is also submitted that it is a fact that in the sale deed inadvertently the complainant was described as late when he was alive. It is next submitted that a rectification deed dated 27-12-2022 was also executed for rectifying the said inadvertence. It is next submitted that complainant is having dispute with his son with regard to the property and since the son sold the land in favour of Niraj, thus the instant case came to be instituted, it is next submitted that Niraj after enquiring the documents came to a considered conclusion that the property belongs to Sanjay thus purchased.

5. The learned counsel appearing on behalf of the complainant opposes anticipatory bail application and submits that Sanjay by describing his father as late fraudulently executed the sale deed but then is not in a position to rebut the submission



of the learned counsel appearing on behalf of the petitioners that Sanjay is own son of the complainant and a rectification deed was subsequently executed.

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 trial court 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 the learned trial court where the case is pending/successor court in connection with Complaint Case No. 1669 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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