

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62300 of 2024**

Arising Out of PS. Case No.-224 Year-2024 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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1. Deendayal Dwivedi @ Deendayal Dubey S/o Late Ram Chandra Dubey R/o Village- Sapnawatiya, PS- Sonhan, Distt- Bhabhua at Kaimur Bihar
 2. Ram Pratap Dubey S/o Late Ram Chandra Dubey R/o Village- Sapnawatiya, PS- Sonhan, Distt- Bhabhua at Kaimur Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar
For the Opposite Party/s : Mr. Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 2 17-10-2024 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Complaint No. 224 of 2024, dated 28.03.2024, disclosing offences under Sections 420/465/467/468/471/120(B) of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that complainant's father, namely, Sita Ram Dubey, who had illicit relationship with another women, in connivance with his brother, namely, Ram Chandra Dubey, who is petitioners' father, under conspiracy to



deprive the complainant from the ancestral properties filed a title suit, bearing, Title Suit No. 1253 of 1972, in which, the complainant, who was minor at that time, and petitioners, who were not even born, were shown as major, and subsequently, a compromise petition was filed in which their forged signatures were used in order to deprive the complainant from the ancestral property. On the basis of the compromise decree, complainant's father and his brother, along with their children, entered into agreement and sold the property. Upon knowledge, the complainant enquired about his property, on which the accused assured him for giving his share in the ancestral property. In the meanwhile, the petitioners' father died and when the complainant again went to the accused persons for his property, they threatened him of his life.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case on the basis of concocted story due to ulterior motive and on account of disputes pending between the parties. He next submits that there is inordinate delay in filing the present complaint inasmuch as after more than 52 years of filing of title suit and after enjoying his share of property, it is



very illogical that the complainant came to know about compromise decree in the year 2017. He also submits that partition suit, bearing Partition Suit No. 1078 of 2017, has also been filed by the family members of the complainant. He further submits that in order to pressurize the petitioners, the complainant, in abuse of the process of Court, has filed the present complaint by giving it colour of criminal nature, whereas the present case arises out of tittle suit/compromise decree which gives rise to a civil dispute.

5. On the other hand, learned counsel for the complainant vehemently opposes the prayer for anticipatory bail and submits that the petitioners, in connivance with other co-accused persons, have deprived the complainant of his ancestral property.
6. Regards being had to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that both the parties are co-sharers, there is inordinate delay in filing the present complaint and there appears to be land dispute between the parties, I am inclined to grant the petitioners privilege of anticipatory bail.



7. This application is, accordingly, allowed.
8. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Kaimur at Bhabhua, in connection with Complaint Case No. 224 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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