

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64024 of 2023

Arising Out of PS. Case No.-321 Year-2023 Thana- ARARIA District- Araria

1. DUKHA RAI @ DUKHA PRASAD RAI SON OF LATE TURAI RAI
RESIDENT OF VILLAGE -GUNWANTI, PS- RANIGANJ, DISTT-
ARARIA
2. SHASHI KUMAR RAI SON OF UDESH RAI RESIDENT OF VILLAGE
-GUNWANTI, PS- RANIGANJ, DISTT- ARARIA
3. BIBI SHAHIN @ SHAHIN WIFE OF LAIQUE ALAM RESIDENT OF
VILLAGE -FARASOOT, WARD NO. 3, PS- ARARIA, DISTT-ARARIA
4. ZUBEDA KHATOON WIFE OF RAIS AHMAD RESIDENT OF
VILLAGE -FARASOOT, WARD NO. 3, PS- ARARIA, DISTT-ARARIA
5. GAGAN KUMAR SON OF SURYANAND RAI RESIDENT OF
VILLAGE - ADDABARI, PS- TARABARI, DIST- ARARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kishore Bharti
For the Opposite Party/s : Mr. Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 10-04-2024 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 offences punishable under Sections 419, 420,
467 and 468 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that
petitioners are persons with clean antecedent and the informant
alleges that petitioner no. 1 sold the land of his maternal
grandfather in favour of petitioner nos. 3 and 4 by a sale deed



executed on 10.03.2023 on which the petitioner no. 2 is a verifier of the signature of petitioner no. 1 and petitioner no. 5 is a witness on the sale deed executed on 10.03.2023.

4. Learned counsel for the petitioners next submits that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that name of the informant is Sushil Kumar Rai and he is son of Nityanand Rai and Anandi Devi, further father of Anandi Devi was Kare Rai, as such, Kare Rai was the maternal grandfather of the informant.

5. It is further submitted that petitioner no. 1 (Dukha Rai) is son of Toorai Rai and father of Toorai Rai was Kapru Rai and Anandi Devi was mother of Kapru Rai, as such, was great grand mother of Dukha Rai. It is next submitted that Anandi Devi wife of Nityanand Rai and mother of the informant is different from Anandi Devi who is great grand mother of Dukha Rai. It is also submitted that Dukha Rai sold the property of his great grandmother Anandi Devi but then the informant is claiming that petitioner no. 1 sold the land in question which belonged to his maternal grandfather Kare Rai whose daughter was Anandi Devi, i.e. his mother. It is thus submitted that whether the petitioner no. 1 sold the land of maternal grandfather of the informant or the land of his great



grandmother cannot be adjudicated by a criminal Court. It is further submitted that if informant is aggrieved by execution of the sale deed dated 10.03.2023 by petitioner no. 1 in favour of petitioner nos. 3 and 4 in that event he has remedy of getting the sale deed cancelled by a Court of competent civil jurisdiction. It is next submitted that in the event if the informant files a case seeking cancellation of the sale deed, in the said case the petitioner no. 1 will have an opportunity to stake his claim based on documentary evidence. It is further submitted that it appears that the informant, instead of resorting to remedies available in law before a Court of competent civil jurisdiction, is trying to coerce the petitioner no. 1 into submission under the threat of criminal prosecution.

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

7. 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 Araria
P.S. Case No. 321 of 2023 subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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