

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63465 of 2023

Arising Out of PS. Case No.-384 Year-2021 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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1. Anil Kumar Singh @ Anil Singh
 2. Sunil Kumar Singh
Both Son of Late Ram Balak Singh R/o vill - Daniyapur, P.S. - Teghra, Distt.
- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ram Naresh Yadav Son of Late Ram Uchit Yadav R/o vill - Marsaiti, P.S. -
Teghra, Distt. - Begusarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar, Advocate
For the Opposite Party/s : Mr.Raj Ballabh Singh, APP
Mr. Rananjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 09-04-2024 Heard learned learned counsel for the petitioners,

learned APP for the State along with learned counsel for the O.P.

No.2.

2. The petitioners seek bail in anticipation of his arrest

in a case registered for the offences punishable under Sections

420, 467 and 468 of the Indian Penal Code.

3. The learned counsel for the petitioners submit that

petitioners have antecedent of one case and have been falsely

implicated in the instant case by the complainant. It is next

submitted that a purely civil dispute has been given a criminal

colour.



4. It is further submitted that in sum and substance the allegation as alleged in the complaint is that the complainant alleges that in the year 2006 the mother of the petitioners had sold a piece of land pertaining to Khata No.2673, Khesra No.2571 measuring 14 decimal in favour of the complainant, but in the year 2007 the complainant realized that the Khata and Khesra number mentioned in the sale deed executed in the year 2006 was wrong when the correct Khata and Khesra ought to have been Khata No.2 and Khesra No.2560 in place of Khata No.2673 and Khesra No.2571.

5. It is next alleged that when the said fact came to the notice of the complainant as such the complainant in the year 2007 paid an amount of Rs.5,00,000/- to the father of the petitioners, namely, Ram Balak Singh (who is petitioner in Cr. Misc. No.11953 of 2024). It is next alleged that though the complainant in the year 2007 paid an amount of Rs.5,00,000/- to Ram Balak Singh for getting the sale deed rectified, but then nothing was done as such in the year 2021 the instant complaint case came to be instituted.

6. The learned counsel next submits that thereafter the complainant also instituted a civil suit bearing T.S. No. 45 of 2022 which is pending adjudication in the court of learned Civil



Judge, XIIIth, Teghra. The learned counsel thus submits that in the nature of allegation as alleged the dispute is purely civil. It is further submitted that the allegation as alleged in the instant complaint is similar to the relief which the complainant is claiming in the aforesaid title suit. It is next submitted that mother of the petitioners died in the year 2020 and if the complainant had paid Rs.5,00,000/- to the father of the petitioners for getting the sale deed of the year 2006 rectified and if the same was not rectified, then why the complainant did not institute a case instantly. It is thus submitted that after the death of the mother of the petitioners the instant complaint case has been instituted only with a view of coerce the petitioners into submission. It is also submitted that the sale deed executed by the mother of the petitioners in favour of the complainant in the year 2006 is correct and does not require any rectification. It is further submitted that since a title suit has already been filed which is pending adjudication as such the issue will be decided before the court of competent civil jurisdiction as the petitioners will also get an opportunity to contest the claim of the complainant.

7. The learned APP along with learned counsel appearing on behalf of the complainant opposes the anticipatory



bail application, but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioners that a title suit has been filed by the complainant seeking rectification of the sale deed executed in the year 2006.

8. 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 Court below within a period of six weeks, are directed to be released on bail on their 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 Munsif,II-cum-JMFC, Begusarai in connection with Complaint Case No.384(C) of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

9. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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