

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66545 of 2023

Arising Out of PS. Case No.-121 Year-2023 Thana- ALAMNAGAR District- Madhepura

1. VINOD KUMAR KUMAR S/O- LATE TARNI KUMAR R/O- VILLAGE- LADMA, WARD NO.- 07, POLICE STATION- ALAMNAGAR, DIST.- MADHEPURA.
2. ABHAY KUMAR S/O- BRAHMDEV CHAUDHARY R/O- VILLAGE- LADMA, WARD NO.- 07, POLICE STATION- ALAMNAGAR, DIST.- MADHEPURA.
3. ARYAN RAJ @ SAURABH KUMAR @ ARYAN RAJ S/O- VINOD KUMAR KUMAR R/O- VILLAGE- LADMA, WARD NO.- 07, POLICE STATION- ALAMNAGAR, DIST.- MADHEPURA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR, PATNA

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Uday Chand Prasad, Advocate
For the State	:	Mr. Binod Kumar, APP
For the Informant	:	Mr. Bam Bahadur Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 16-04-2024 Heard learned counsel for the petitioners and the learned A.P.P. for the State assisted by learned counsel for the informant.

2. The petitioners apprehend their arrest in connection with Alamnagar P.S. Case No.121 of 2023 for the offences punishable under Sections 420, 467, 468, 470 & 471/34 of the Indian Penal Code, pending in the Court of learned Judicial Magistrate 1stClass, Udakishunganj, Madhepura.

3. All these petitioners under a deep rooted conspiracy



is said to have kidnapped the husband of the petitioner, who is mentally weak and ill, and by giving threat get executed sale deed from the Registry Officer of her land admeasuring 1 Acre 61 Decimals and 500 kari including the house without making payment of consideration money.

4. The petitioners are quite innocent and have been falsely implicated in this case due to previous grudge. It is further submitted that there is delay of one month in lodging the F.I.R. without assigning any plausible and cogent reason for the said delay. The allegations levelled against the petitioners is general and omnibus in nature. It is further submitted that in fact the husband of the informant, Pinku Kumar is not mentally weak rather he was suffering from Cancer in stomach for which he has taken money from petitioner nos.1 and 2 time to time for medical treatment and after the talk from the informant, Pinku Kumar sold the aforesaid land without any force or coercion after taking consideration money. Petitioner nos. 1 and 3 have one criminal antecedent, whereas petitioner no.2 has no criminal antecedent.

5. *Per contra*, learned APP for the State assisted by learned counsel for the informant vehemently opposing the bail petition submitted that the husband of the informant was a mental patient as is evident from the Psychological Test report dated 05.11.2022 conducted by Dr. M. Jalit, which has been



annexed as Annexure-R/3 to the counter affidavit of the informant, as such the sale deed executed by husband of the informant in question cannot be considered to be a valid one. It is further submitted that the petitioners are habitual offenders of such activity of obtaining sale deed by fraud means and in this regard an informatory petition lodged by one Krishna Kumar Chaudhary before the learned ACJM, Udakishunganj has been annexed as Annexure-R/5 to the counter affidavit filed by respondent no.2. In such circumstances, the petitioners do not deserve anticipatory bail.

6. Considering the facts and circumstances of case as well as the nature of the allegation, I am not inclined to enlarge the petitioners on bail. The prayer for anticipatory bail of the petitioners is hereby rejected.

7. However, if the petitioners surrender before the learned Court below within six weeks from today and seek regular bail the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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