

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70568 of 2023

Arising Out of PS. Case No.-61 Year-2023 Thana- MEHANDIA District- Jehanabad

1. Ajay Kumar Singh Son Of Paras Nath Singh Resident Of House No. 709 Block Road Magadh Colony Road No. 1 P S Chandauti District Gaya Bihar
2. Sanjay Kumar Singh S/O Paras Nath Singh Resident Of House No. 708 Block Road Magadh Colony Road No. 1 P S Chandauti District Gaya Bihar
3. Punam Devi @ Poonam Devi Wife Of Sanjay Kumar Singh R/O House No. 708 Block Road Magadh Colony Road No. 1 P S Chandauti District Gaya Bihar
4. Saroj Devi W/O Ajay Kumar Singh R/O House No. 709 Block Road Magadh Colony Road No. 1 P S Chandauti District Gaya Bihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Birendra Kumar,Advocate
For the Opposite Party/s	:	Mr.Abhay Kumar Roy,APP
For the Informant	:	Mr. Shailesh Kumar, Advocate
	:	Mr. Shahbaj Alam, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 05-03-2024 Heard Mr.Birendra Kumar, learned counsel for the petitioners, learned counsel for the complainant/informant and MMr.Abhay Kumar Roy, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Mehandiya P.S.Case No.61 of 2023,FIR dated 06.03.2023 registered for the offences punishable under Sections 341, 323, 380, 420, 467, 468, 471, 504, 506 and 120B read with section 34 of the IPC.



3. As per the prosecution case, the complainant on behest of medical treatment was taken to Arwal by the petitioners and in conspiracy, they got transferred the land and house of the complainant in their favour by taking her thumb impression.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedent. They have falsely been implicated in the present case. The allegation as alleged in the complaint petition/FIR is false and fabricated and the petitioners have not committed any offence as alleged in the complaint petition/FIR. Learned counsel for the petitioners submits that from a bare perusal of the complaint petition/FIR it appears that the complainant/informant is agnate of the petitioners and from a bare perusal of the complaint petition/FIR it appears that the complainant/informant has alleged that the petitioners have executed the sale deed in their favour by putting pressure upon Mostt. Puniya Devi. Further submits that the complainant/informant had herself transferred the interest of the land through registered sale deed dated 26.10.2021 bearing Sale Deed No.4879 in favour of petitioner Nos.3 and 4 and the present complaint petition/FIR has been filed only to harass the petitioners. Further submits that co-accused persons, namely,



Arvind Kumar and Mangal Singh have been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order dated 02.11.2023 passed in Cr. Misc. No.67314 of 2023.

5. Learned counsel for the complainant/informant and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for anticipatory bail of the petitioners and submits that the petitioners have got sale deed registered in their name fraudulently of the land of the complainant/informant and Panchayati was also failed and it appears that the complainant/informant has already sold the land in question to petitioner Nos.1 and 2 on 26.10.2021. Further submits that a number of witnesses have supported the case of the prosecution in the statement under Section 161 Cr.P.C. and it appears from the sale deed that there is no evidence that whether the petitioners have paid any consideration amount to the executor, namely, Most. Puniya Devi and the sale deed has been executed and registered in the year 2021 but due to typographical mistake it has been recorded on 25.10.2022 and for that purpose the complainant/informant has already filed correction slip in the complaint petition before the competent court of law.

6. Considering the aforesaid facts, petitioners have



clean antecedent and from a bare perusal of the complaint petition/FIR that the allegation is civil in nature and the complainant/informant may file an appropriate case before the appropriate competent court of law, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Chief Judicial Magistrate, Arwal in connection with Mehendiya P.S. Case No.61 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall



verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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