

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70461 of 2024

Arising Out of PS. Case No.-847 Year-2021 Thana- BUXAR COMPLAINT CASE District-
Buxar

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1. Bibha Devi @ Bibha Kumari, W/O Rahul Kumar Singh Resident Of Nai Bazar Buxar, Police Station - Buxar Town, District - Buxar
 2. Rahul Kumar Singh, S/O Vishwanath Singh, Resident Of Nai Bazar Buxar, Police Station - Buxar Town, District - Buxar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chanchala Devi, W/o Bipin Bihari Diwedi R/o Sohani Patti, P.S.- Buxar Town, Dist. - Buxar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radha Krishna, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 27-09-2024 Heard Mr. Radha Krishna, learned counsel for the

Petitioner and Mr. Navin Kumar Pandey, learned APP for the

State.

2. The petitioners apprehend their arrest in connection
with Protest-cum-Complaint Case No. 847(C) of 2021
registered for the offences punishable under Sections 419, 420,
467, 468, 471 read with Section 34 of the Indian Penal Code.

3. Learned counsel appearing for the petitioners
submits that in fact, one Aditya Rashmi Upadhyay (co-accused),
the co-sharer of the complainant, executed and transferred the
land in question in favour of the petitioner no.1 by way of the



registered Sale Deed after taking the consideration money and further, the land in question was admittedly a part of the ancestral property of the complainant and her co-sharer at the time of its alleged transfer and the same had not been partitioned in between the co-sharers before the alleged Sale Deed. Learned counsel further submits that for the cancellation of the alleged Sale Deed, the complainant has filed a case in the office of the concerned D.C.L.R, so, a civil litigation is going on in respect of the alleged dispute in between both the parties and further, the allegations made by the complainant in her complaint petition, mainly attract a civil wrong. It is further submitted that petitioner no. 2 is the husband of petitioner no.1 and they have got no criminal antecedents and one co-accused namely, Munna Kumar, who is also said to be one of the purchasers, has been granted anticipatory bail by this Bench vide order dated 05.09.2024 passed in Cr. Misc. No. 56287 of 2024.

4. Learned APP for the State has opposed the prayer for bail of the petitioner.

5. Heard both the sides and perused the protest-cum-complaint petition filed by the O.P. No. 2 against the petitioners on that basis the cognizance of the alleged offences has been



taken. The petitioner no.1 is said to be one of the purchasers and petitioner no.2 is said to be the husband of petitioner no.1. The land in question is said to be an ancestral land of the executant (co-accused) and the complainant and the petitioner no.1 has taken the plea that she purchased the alleged land after paying the reasonable consideration money and one co-accused who is also said to be one of the purchasers, has been granted anticipatory bail by this Bench and there is no criminal antecedent against the petitioners, considering all these facts, this Court is inclined to accept the anticipatory bail prayer of the petitioners. Accordingly, let the petitioners named-above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Protest-cum-Complaint Case No. 847(C) of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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