

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77036 of 2024

Arising Out of PS. Case No.-15 Year-2023 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

=====

Jamun Paswan Son of Late Dhabbu Paswan Resident of Village -
Bhagwatipur, Ward No. 3, P.S. - Tajpur (Halai OP), District - Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dhano Devi Wife of Late Nageshwar Paswan Resident of Village -
Bhagwatipur, P.O. - Jorpura, P.S. - Tajpur (Halai OP), District - Samastipur

... .. Opposite Party/s

=====

Appearance :
For the Petitioner/s : Mr. Surya Narayan Roy
For the Opposite Party/s : Mr. Yogendra Kumar

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 19-11-2024
1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail,
arises out of C.R. No. 15 of 2023, T.R. No. 1749 of 2024,
disclosing offences under Sections 338, 352, 115 of the BNS.

3. As per the prosecution case, complainant was living
in Durgapur where her husband was working and she appointed
the petitioner as caretaker of her house and land in the village. It
has been alleged that petitioner committed theft in the house and
took away sale deed which was kept in the box in the year 2018
which was purchased by the complainant from Virendra Sah and
others dated 26.06.1985. The complainant has further alleged



that subsequently, the petitioner and co-accused started claiming the complainant's land as their own upon which the complainant obtained the certified copy of the sale deed and found that the petitioner, by impersonation and producing fake women has got the sale deed of the complainant's land registered.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in the present case as an afterthought inasmuch as the disputed sale deed was registered on 12.08.2003 but the complaint has been filed after much delay in the year 2023. A title suit has been filed by the complainant bearing Title Suit No. 09 of 2023 for setting aside the sale deed dated 12.08.2003 in which the petitioner has filed W.S. and the same is pending before the Munsif, Samastipur.

5. Learned counsel for the State argued that after coming to know about the fake sale deed, the present complaint has been filed by the complainant.

6. I have heard learned counsel for the parties and have perused the materials on record. In the complaint, the photograph of the complainant has been pasted. The allegation of the complainant that she has been impersonated by the petitioner for registration of the sale deed of the land of the complainant which has been registered in favour of the petitioner by producing a fake woman



namely Dhano Devi. From perusal of the photograph of said Dhano Devi in the disputed sale deed annexed as Annexure 2 Series and the photograph of the complainant/Dhano Devi pasted at the top of the complaint petition, prima facie it appears that both are different persons, accordingly, I am not inclined to grant the petitioner privilege of anticipatory bail.

7. This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

HarshPandey/-

U		T	
---	--	---	--

