

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85344 of 2024

Arising Out of PS. Case No.-224 Year-2024 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

Sita Ram Dwivedi @ Sita Ram Dubey Son of Late Gauri Shankar Dubey R/o
Village -Sapnawatiya, PS- Sonhan, Distt.- Bhabhua at Kaimur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar
For the Opposite Party/s : Mr.Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 13-12-2024 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 Complaint Case No. 224 of 2024, in which cognizance has been taken for the offences under Sections 420/467/468//120(B) of the Indian Penal Code.
3. The prosecution case, as per the complaint petition, is that complainant's father, namely, Sita Ram Dubey (the petitioner), who had illicit relationship with another women, in connivance with his brother, namely, Ram Chandra Dubey, under conspiracy to deprive the complainant from the ancestral properties filed a title suit, bearing Title Suit No. 1253 of 1972, in which, the



complainant, who was minor at that time, and co-accused persons, who were not even born, were shown as major, and subsequently, a compromise petition was filed in which their forged signatures were used in order to deprive the complainant from the ancestral property. On the basis of the compromise decree, complainant's father and his brother, along with their children, entered into agreement and sold the property. Upon knowledge, the complainant enquired about his property, on which the accused assured him to give his share in the ancestral property.

4. Learned Counsel for the petitioner submits that the petitioner, being the father of the complainant, has falsely been implicated in this case by his son on the basis of concocted story due to ulterior motive and on account of disputes pending between them. He next submits that there is inordinate delay in filing the present complaint inasmuch as after more than 52 years of filing of title suit and after enjoying his share of property, it is very illogical that the complainant came to know about compromise decree in the year 2017. He also submits that partition suit, bearing Partition Suit No. 1078 of 2017, has also



been filed by the family members of the complainant. He further submits that in order to pressurize the petitioner, the complainant, in abuse of the process of Court, has filed the present complaint by giving it colour of criminal nature, whereas the present case arises out of title suit/compromise decree which gives rise to a civil dispute.

5. Regards being had to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that both the parties are father and son, there is inordinate delay in filing the present complaint and there appears to be land dispute between the parties, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Chief Judicial Magistrate, Kaimur, at Bhabhua, in connection with Complaint Case No. 224 of



2024, subject to the condition laid down under Section
438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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