

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85751 of 2023

Arising Out of PS. Case No.-682 Year-2021 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

-
1. Diwan Tauquir Khan Son Of Jakaullah Khan Resident Of Village- Biur, PS-Chainpur, Distt- Kaimur At Bhabua.
 2. Diwan Tausif Ahmad Khan @ Diwan Tauseef Khan Son Of Jakaullah Khan Resident Of Village- Biur, PS- Chainpur, Distt- Kaimur At Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Diwan Wahid Khan Son Of Late Imtiazul Haque Khan Resident Of Village- Biur, PS- Chainpur, Distt- Kaimur At Bhabua.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jugal Kishore, Advocate
For the State	:	Mr. Pawan Kumar Chaurasia, APP
For the O.P. No.2	:	Mr. Pranav Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 07-03-2024 Heard Mr. Jugal Kishore, learned counsel appearing on behalf of the petitioners; Mr. Pawan Kumar Chaurasia, learned APP appearing on behalf of the State and Mr. Pranav Kumar Jha, learned counsel appearing on behalf of the Opposite Party No.2/Complainant.

2. The petitioners apprehend their arrest in connection with Complaint Case No.682 of 2021 registered under Sections 420, 468, 467 and 120 (B) of the Indian Penal Code.

3. As per the allegation made in the complaint, a notice was served upon the complainant with respect to the Title

Suit Case No.237 of 2021, and being illiterate had asked the petitioners to read the notice and give the details of the notice. The petitioners, taking advantage of his illiteracy, on the pretext of helping him, they fraudulently prepared gift deeds with respect to the entire property of the complainant. The gift deeds have been brought on record along with the complaint.

4. Mr. Jugal Kishore, learned counsel appearing on behalf of the petitioners submitted that till date the petitioners have not filed any case for revocation of the gift deeds, on the basis of allegation that the same have been registered unlawfully by the petitioners. He further submitted that the gift deeds are registered as per the provision of the Indian registration act, in the name of the petitioners, after the complainant had duly executed it, after having read all the content of the gift deeds. The complainant, instead of taking resort to civil remedy, to harass the petitioners, has lodged the present complaint case against them. Petitioners have clean antecedent.

5. Mr. Pranav Kumar Jha, learned counsel appearing on behalf of the Opposite Party No.2/Complainant submitted that it is an admitted fact that the complainant is illiterate, as it would appear from the deed gifts, as well as, from the complaint. The deed gifts were never read over to the

complainant, so as to make him aware of the content of the deed gifts and fraudulently the petitioners got executed the same, with respect to the entire land owned by the complainant. In this background, learned counsel submitted that the petitioners do not deserve to be released on bail for having deprived the complainant from his entire property on the basis of fraudulent act committed by them.

6. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail.

7. Considering the rival submission made on behalf of the parties, as well as, having perused the complaint and the registered deed of gifts executed by the complainant, with respect to certain land, which are the subject matter of the deed gifts. It is admitted that the deed gifts, as well as, the complaint along with other documents, which are annexed to the bail application contained the finger print of the five fingers of the complainant, allegation is that neither the petitioners nor the deed writer had read over the content of the deed to the complainant. It is also a case of the complainant that he had taken a notice, which was served upon him in connection with Title Suit Case No.237 of 2021 and taking advantage of the same, the petitioners have fraudulently got the gift deeds

registered in their favour. The petitioners are own nephews of the complainant. It is also admitted that till date the gift deeds have not been acted upon by the petitioners. I am of the opinion that petitioners, who have dishonestly induced the complainant and deceived him to execute the gift deed in their favour, have not made out a case to be released on pre-arrest bail.

8. Accordingly, I am not inclined to grant bail to the petitioners. The petitioners, if so advised, may take appropriate remedy in accordance with law.

9. Accordingly, the present bail application stands rejected.

(Purnendu Singh, J.)

Ashishsingh/-

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