

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86428 of 2023

Arising Out of PS. Case No.-223 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Sudama Devi wife of Ganesh Choudhary R/o- Dariyapur Ps- Hathidah Dist-
Patna, At R/o- Mekra English C/o- Soniya Devi in the house of Umesh
Choudhary Ps- Pandarak Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sidhanta Devi D/o- Munni Lal Choudhary, W/o- Indradeo Choudhary R/o-
Bharat Housing Po- Shyam Nagar Ps- Jagdal Dist- 24 Pargana North West
Bengal.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar Pandey, Advocate
	:	Ms. Kumari Pallavi, Advocate
For the Opposite Party/s	:	Mr.Anil Kumar. APP
For the Complainant	:	Mr. Deepak Kumar Singh, Advocate
	:	Mr. Sakanya Bharti, Advocate
	:	Mr. Vijay Chandra Roy, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 09-04-2024 Heard Mr.Manoj Kumar Pandey, learned

counsel for the petitioner, Mr. Deepak Kumar Singh,

learned counsel for the complainant and Mr.Anil Kumar,

learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No.223C of 2022,
registered for the offences punishable under Sections
419,467,468,506 and 34 of the Indian Penal Code.

3. Prosecution story, in brief is, mother of the



complainant Bachi Devi purchased 04 katha land on 27.04.1985 at Mauja Murarpur, P.S. Hathidah, under Khata no. 215, S.P. 588, through registered Sale-deed and came in possession and name of Bachi Devi was mutated in the Government Sirista Bachi Devi along with her family was living at Bengal where her husband was working in Jute Mill. That aforesaid Bachi Devi gave purchased land in custody of Sudama Devi accused no. 01 so called sister to look after and time to time Bachi Devi also come to see the purchased land That Bachi Devi died on 12.03.2003. Bachi Devi husband constructed house at nehati. Complainant sister Kaushilya Devi was also married Bachi Devi husband became also old and son of Bachi Devi Ganesh Chaudhary got job, therefore they did not comet Dariyapur where purchased land situates. That so called sister of Bachi Devi namely Sudama Devi conspired to grab the land of Bachi Devi. Therefore, Sudhana Devi in the name of Bachi Devi executed a registered will on 28.04.2011 in the name of her daughter Bebi Devi in which she has also mentioned husband name Munni Lal Chaudhary and also mentioned Bebi Devi father name Munni Lal Chaudhary and also



mentioned Bebi Devi father Munni Lal Chaudhary. The aforesaid forged Will has not been presented before any competent Court for getting probate, so that it may not be known to any villagers.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. Learned counsel for the petitioner outrightly submits the petitioner is ready to hand over the possession of the alleged land in question to the complainant.

5. In view of the aforesaid, learned counsel for the complainant submits that he has no objection that if the petitioner shall hand over the possession of the alleged land in question to the complainant.

6. In view of the aforesaid, let the petitioner, above named, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Barh, Patna in connection with



Complaint Case No.223C of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) At the time of furnishing bail bond, the petitioner shall produce the letter from the complainant that he has received the land possession certificate of the land in question from the complainant and if the petitioner fails to produce the certificate from the complainant, the bail bond of the petitioner shall not be accepted by the learned court below.

(II) Petitioner 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

(IV) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in



case at any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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