

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25 of 2024

Arising Out of PS. Case No.-123 Year-2023 Thana- BANMANKHI District- Purnia

- 1. Sujaniya Devi Wife Of Biswanath Paswan Resident Of Village- Mirja Chouri, Ward No. 5, Haripurmadi, Police Station- Banmankhi, District- Purnea.
- 2. Badami Devi Wife Of Late Deo Narayan Paswan Resident Of Village- Mirja Chouri, Ward No. 5, Haripurmadi, Police Station- Banmankhi, District- Purnea.
- 3. Bharat Paswan Son Of Late Deo Narayan Paswan Resident Of Village- Mirja Chouri, Ward No. 5, Haripurmadi, Police Station- Banmankhi, District- Purnea.
- 4. Rubi Devi Wife Of Bharat Paswan Resident Of Village- Mirja Chouri, Ward No. 5, Haripurmadi, Police Station- Banmankhi, District- Purnea.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate
For the State : Mr. Harendra Prasad, APP
For the Informant : Mr. Shivnandan Sah, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioners; learned A.P.P. for the State and learned counsel for the informant, who has appeared *suo moto*.

2. The petitioners apprehend their arrest in connection with Banmankhi P.S. Case No. 123 of 2023 dated 23.03.2023, instituted for the offence punishable under Sections 341, 323, 420, 467, 468, 471, 120(B), 504 and 506 of the Indian Penal Code.

3. The case of prosecution, in short, is that the informant had purchased land on 24.05.1993 through registered

sale deed from Khata No. 503, Plot No. 1984, Area 8 ½ Kathas from Sujaniya Devi (petitioner no. 1). It is further alleged that after purchasing the aforesaid land, she gave an application before the Circle Office, Banmankhi for mutation, then she came to know that Sujaniya Devi (petitioner no. 1) with the help of Badami Devi (petitioner no. 2) has executed a sale deed with respect to the land of Anup Lal Sah of Khata No. 463, Plot No. 2085 in place of their actual land of Khata No. 503. On 09.12.2022 at about 4 P.M., when informant went to the door of Sujaniya Devi (petitioner no. 1) and told her about the said forgery, then she became furious, abused and assaulted her by fist. They also alleged that Bharat Paswan (petitioner no. 3) demanded Rs. 5 lakh from her as *rangdari*.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have falsely been implicated in this case. It is submitted that the present case has been lodged after 29 years of registration of sale deed by Sujaniya Devi (petitioner no. 1). It is submitted that Badami Devi (petitioner no. 2) has filed a Complaint Case No. 1946 of 2017 on the same subject matter against the complainant/informant and others in which cognizance has already been taken. It has further been submitted that the petitioner nos. 1 and 2 are the full sisters and

they got 15 decimals of ancestral land from Khata No. 503, Khesra No.2051 out of which Sujaniya Devi (petitioner no. 1) being the vendor of the land, in question, appertaining to Khata No. 503, Khesra No.1984 area 8.1/4 decimal, executed a registered sale deed vide Deed No. 2921 dated 24.05.1993 in favour of Smt. Shobha Devi (Complainant), but the vendee (complainant/informant) in collusion with the concerned Deed Writer inserted number of another plot appertaining to Khesra No. 2051 area 2 decimals in the said deed. When the petitioner no. 2 come to know about the said forgery by the vendee Shobha Devi (complainant/informant), she lodged a complaint case vide Complainant Case No. 1946 of 2017 against three persons including the vendee Shobha Devi (complainant/informant) in which the Court below has taken cognizance under sections 420, 467, 468, 471 and 120-B of the Indian Penal Code on 23.03.2020 against the complainant/informant and others. It is further submitted that the complainant/informant has filed an application in the Hon'ble Patna High Court for quashing the cognizance order vide Cr. Misc. No. 11559 of 2021, which was dismissed on 22.09.2022. Thereafter, the present F.I.R. has been lodged to save her skin. Lastly, it has been submitted that the

petitioners have no criminal antecedents.

5. Learned A.P.P. for the State and learned counsel for the informant vehemently opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Banmankhi P.S. Case No. 123 of 2023, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea or appropriate Court below, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J.)

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