

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16799 of 2025

Arising Out of PS. Case No.-320 Year-2023 Thana- PURNIA COMPLAINT CASE District-
Purnia

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1. Umesh Prasad Singh S/O Baldev Prasad Singh R/O Village- Dumra, P.S- Bhawanipur (Akbarpur), Distt.- Purnea.
 2. Rashmi Devi @ Reshmi Devi W/O Santosh Kumar Singh , D/O Umesh Prasad Singh Permanent resident of Village- Dibra, P.O- Dibra Bazar, P.S- Barhara Kothi, Distt.- Purnea. At present resident of Village- Dumra, P.S- Bhawanipur (Akbarpur), Distt.- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dharmendra Kumar Singh S/O Shashi Bhushan Singh R/O Village- Dumra, P.S- Bhawanipur, Distt.- Purnea.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bijendra Kumar Singh, Advocate
For the Complainant	:	Mr. Diwakar Sinha, Advocate
For the State	:	Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 02-07-2025 Heard Mr. Bijendra Kumar Singh, learned counsel
for the petitioners, Mr. Diwakar Sinha, learned counsel for the
Complainant and Mr. Ram Priya Sharan Singh, learned APP for
the State.

2. The petitioners are apprehending their arrest in
connection with Complaint Case No. 320 of 2023, dated
09.02.2023 registered for the offences punishable under
Sections 420, 467 of the Indian Penal Code.

3. The petitioners in collusion with each other,
executed the sale deed of the share of property of the



complainant in favour of Rashmi Devi.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that the allegation as alleged in the complaint petition is false and fabricated and the petitioners have not committed any offence as alleged in the complaint petition. As per allegation in the complaint petition, the petitioner no. 1 had sold the land in question to petitioner no. 2 who happens to be the daughter of petitioner no. 1. Learned counsel for the petitioners submits that the petitioner no. 1 has obtained the land in question which he purchased along with father of complainant and other persons namely, Sachidanand Singh and Chandra Bhushan Singh and he has sold the land in question to his daughter which he obtained from the deed dated 04.05.1995 and petitioners have not committed any offence as alleged in the complaint petition. The petitioner no. 1 has executed the sale deed of 03 decimals 166 Kari of land in favour of his daughter by a registered sale deed dated 18.04.2013 and the present complaint petition has been filed in the year 2023 after delay of about 10 years without giving any explanation of delay and petitioner no. 1 has been given 3.25 decimals of land as mentioned in the sale deed dated



04.05.1995 and he has sold the land in question in favour of his daughter which he has received from the sale deed dated 04.05.1995. Apart from that, if the complainant has any grievance, he may approach the competent Civil Court/competent court of law for cancellation of sale deed dated 18.04.2013.

5. Learned counsel for the complainant as well as learned APP for the State, on the other hand, has opposed the prayer for anticipatory bail of the petitioners. Learned counsel for the complainant has filed a counter affidavit bringing on record the sale deed dated 04.05.1995 which suggests that the petitioner no. 1 has a share to the tune of 1.25 decimal of land through the aforesaid sale deed to the petitioner no. 1 and petitioner no. 1 has executed the sale deed in favour of his daughter (petitioner no. 2) measuring 03 decimals and 166 kari which is more than the land of share of the petitioner no. 1.

6. Considering the facts and circumstances of the case and the fact that the petitioners having clean antecedents and it appears that the present matter is purely a civil dispute and it appears that due to some typographical mistake the petitioner no. 1 has share 1.25 decimals in place of more than 03 decimals, let the petitioners, above named, in the event of their 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Complaint Case No. 320 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for



cancellation of bail bond of the petitioners. 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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