

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24278 of 2025

Arising Out of PS. Case No.-1526 Year-2022 Thana- PHULWARISHARIF District- Patna

1. Dimple Devi W/O Santosh Kumar R/o-Village/ Mohhala- Kurji, Near Devi Temple Police Station- Phulwarisharif, District- Patna
2. Vandana Kumari D/o Santosh Kumar W/o - Rajnan Kumar, R/o-Village / Mohhala- Abhranchak, Police Station- Naubatpur, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Santosh Kumar S/o- Late Ram ekbal sharma R/o- Village-koraji - Mohammadpur, Police Station- Phulwarisharif, District- Patna

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Shubhesh Pandey, Advocate
For the State	:	Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 01-05-2025 Heard learned counsel appearing on behalf of the petitioners and learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 406, 420, 466, 468, 323, 324, 326, 379, 380, 387, 452, 34 and 120B of the Indian Penal Code.

3. As per prosecution case, it is alleged that in order to grab the joint family property of the informant, these petitioners, after committing fraud, executed registered sale deed on 11.03.2022 with respect to the land appertaining to Khata No.



197, C.S. Plot No. 1475 area 10 dhur situated under Thana No. 42, Mauja- Kurji, P.S.- Phulwarisharif, District Patna in favour of other co-accused persons. It is further alleged that on 11.06.2022 in the morning, while informant was taking breakfast at his residence, in the meantime, all the accused persons, armed with sharp cut weapons, entered into his house and assaulted him.

4. It is submitted by learned counsel appearing on behalf of the petitioners that petitioners are quite innocent and have committed no offence. As a matter of fact, Petitioner No. 1 is wife and Petitioner No. 2 is daughter of informant. From bare perusal of the F.I.R. it is apparent that relationship between informant and Petitioner No. 1 is strained to the extent that they are living separately since 2020 and the informant has also filed a divorce case bearing Divorce Case No. 148 of 2020 which is pending for adjudication before the learned Principal Judge, Patna. As a matter of fact, the informant has concealed the fact that the well wishers of the family have decided to share the property with joint consent and for which a paper was prepared for partition of the property among the parties, copy of which is Annexure-P/3 of this petition. Petitioners have executed sale



deed of the land for which they are legally entitled and which comes under their respective share in the Hindu undivided family and the intention behind the sale of property was not to dispose of their share of property rather it was to meet the necessary expenses and to repay the loans which were taken at the time of marriage of daughter of Petitioner No. 1. Moreover, the dispute is with regard to sale and purchase of land, which is purely civil in nature. Petitioners claim clean antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioners.

6. Considering the nature of accusation and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioners is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioners be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Patna in connection with Phulwarisharif P.S. Case No. 1526 of 2022,



subject to condition as laid down under Section 482(2) of the
B.N.S.S..

(Prabhat Kumar Singh, J)

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