

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33632 of 2024

Arising Out of PS. Case No.-456 Year-2023 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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1. Chandar Yadav S/O Late Ramanand Yadav R/O Village- Awas Board, P.S- Khagaria (Mufassil), Distt.- Khagaria, Bihar.
 2. Pritam Yadav @ Pritam Kumar S/O Chandar Yadav R/O Village- Awas Board, P.S- Khagaria (Mufassil), Distt.- Khagaria, Bihar.
 3. Sunita Devi W/O Chandar Yadav R/O Village- Awas Board, P.S- Khagaria (Mufassil), Distt.- Khagaria, Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Ahilya Devi W/O Late Sarvan Yadav R/O Village-Kharra Tola, Ranko, P.S.- Muffasil, Khagaria, District-Khagaria

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shailendra Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Pronoti Singh, APP
For the O.P. No.2	:	Mr. Pankaj Kumar, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

13 18-06-2025 After some arguments, learned counsel appearing on behalf of the petitioners prays for withdrawal of the application on behalf of the petitioner no.1, Chandar Yadav.

2. Permission is granted.

3. Therefore, the present anticipatory bail application survives as against petitioner nos. 2 & 3 only.

4. Heard learned counsel for the petitioners, learned APP for the State and learned counsel appearing on behalf of the opposite party no.2.

5. The petitioners apprehend their arrest in a case



registered for the offence punishable under Sections 341, 323, 379, 328, 420, 368, 427 and 120(B) of the Indian Penal Code.

6. The prosecution case as stated in the complaint case is that the accused persons had taken the documents with regard to the sale deed on the ground that they would get some loan sanctioned to the opposite party no.2. However when no loan was sanctioned and the opposite party no.2 asked for her documents, the same was not returned to her and subsequently she came to know that the petitioners have executed the sale deed in the name of the wife of petitioner no.1 (Chandar Yadav) by fraudulent means.

7. Learned counsel for the petitioners submits that as a matter of fact initially an FIR had been instituted but the Police has submitted final form after investigation and the present case is based on a protest petition which has been treated as a complaint case. It has further been submitted that the complaint itself is vague and no dates in the complaint have been mentioned and the complainant has also filed a title suit for the alleged sale deed which was allegedly executed by petitioner no.1. On strength of such facts, it has been submitted that the case is purely of civil nature which has been given a criminal colour. It has also been submitted that petitioner no.3 has also lodged a criminal case against the present complainant which was been annexed as Annexure- P/3 to the present petition.

8. Per contra, learned counsel appearing on behalf of the opposite party no.2 submits that the opposite party no.2 has been



duped by the petitioners and especially petitioner no.1 who has fraudulently used the documents given to him in good faith for executing the sale deed in favour of his wife.

9. Taking the rival contentions into consideration, it is gathered that the thrust of the allegation is against the petitioner no.1 whose application has already been withdrawn. So far as other two petitioners are concerned, there is no specific allegation of involvement against these petitioners and hence considering the entire facts and circumstances of the case, it is directed that the petitioner nos.2 & 3, above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Khagaria Complaint Case No. 456C/2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Khagaria, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023.

(Soni Shrivastava, J)

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