

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27741 of 2025

Arising Out of PS. Case No.-867 Year-2022 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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1. Nirmala Devi Wife of Suresh Chaudhary R/O Village- Shumbha Tola, Kehuna, P.S.- Alauli, Distt.- Khagaria
 2. Suresh Chaudhary S/O late Umesh Chaudhary R/O Village- Shumbha Tola, Kehuna, P.S.- Alauli, Distt.- Khagaria
 3. Shailendra Kumar S/O Jagat Pandit R/O Village- Shumbha Tola, Kehuna, P.S.- Alauli, Distt.- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pano Devi W/O Vishnudeo Chaudhary R/O Vill.- Bakhri, P.S.- Bakhri, Dist.- Begusarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar Singh, Advocate
For the Opposite Party/s	:	Ms. Madhuri Lata, A.P.P.
For the Informant	:	Ms. Shyama Rani, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 13-08-2025 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and Ms. Shyama Rani, learned counsel appearing on behalf of the complainant.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 420 and 34 of the Indian Penal Code.
3. Learned counsel appearing on behalf of the petitioners submits that petitioner no. 1 and 3 are persons with clean antecedent and petitioner no. 2 has antecedent of three cases and the complainant alleges that her husband purchased



the land in dispute by a registered sale deed in the year 1990. Further, in the year, 2020, when she went to cultivate the land, the same was objected by Nirmala Devi (petitioner no. 1) and Suresh Chaudhary (petitioner no. 2) on the ground that the land has been gifted by her husband by a registered deed in 2017, accordingly, the complainant obtained the copy of the registered gift deed then she came to know that petitioner no. 1 got the gift deed executed in her favour by her husband by resorting to fraudulent means.

4. Learned counsel appearing on behalf of the petitioner submits that from perusal of the allegation as alleged in the complaint, it would manifest that a purely civil dispute has been given a criminal colour. It is further submitted that husband of the complainant gifted the land in dispute in favour of the petitioner no. 1 and that too by a registered gift deed. It is next submitted that if the complainant is of the opinion that the registered gift deed executed by her husband in favour of petitioner no. 1 was obtained through fraudulent means in that event she has a remedy of getting the registered gift deed cancelled by approaching a Court of competent civil jurisdiction.

5. Learned A.P.P. for the State and learned counsel



appearing on behalf of the complainant opposed the prayer for anticipatory bail of the petitioners but then are not in a position to rebut the submissions of the learned counsel appearing on behalf of the petitioners that the dispute is purely civil to which a criminal colour has been given.

6. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/Successor Court in connection with Complaint Case No. 867C of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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