

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35867 of 2024

Arising Out of PS. Case No.-787 Year-2023 Thana- SAUR BAZAR District- Saharsa

Pankaj Yadav @ Pankaj Kumar son of Late Radhakant Yadav Village-
Kamaljari W.No-5, PS- Sour Bazar Dist- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mosmat Deviki Devi W/o- Late Ramakant Yadav R/o- Village- Kamaljari,
Ward No.5, Police Station- Sour Bazar, Dist.- Saharsa

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uday Chand Prasad, Advocate
For the Opposite Party/s	:	Mr. Parmanand Kumar, APP
For the Informant	:	Mrs. Rashmi Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 22-03-2025 Heard Mr. Uday Chand Prasad, learned counsel
appearing on behalf of the petitioner; Mr. Parmanand Kumar,
learned APP appearing on behalf of the State and Mrs. Rashmi
Jha, learned counsel appearing on behalf of the Informant.

2. The petitioner apprehends his arrest in connection
with Sour Bazar (Patarghat O.P.) P.S. Case No. 787 of 2023
registered under Sections 467, 468, 471, 406 & 420 of the
Indian Penal Code.

3. As per the allegation made in the FIR by creating
fake genealogy, petitioner and another co-accused cheated his
own two brothers declaring them dead in childhood and the
specific allegation against the petitioner is that he has played



forgery with his mother Dropadi Devi and got registered sale-deed of the land belonging to the share of husband of the informant and her *Dewar* Arvind Yadav, showing them dead in genealogy in favour of his wife Babita Devi and his younger brother's wife Sangeeta Devi.

4. Learned counsel appearing on behalf of the petitioner submitted that the transfer of land has been made within the family members of the petitioner. The allegation against the petitioner is purely civil in nature, relating to distribution of ancestor land and after the matter could not be resolved amicably, the informant instead of seeking remedy before the competent Civil Court has implicated the petitioner in a criminal case. The petitioner has clean antecedent.

5. Mrs. Rashmi Jha, learned counsel has tendered her appearance on behalf of the informant and has informed that the petitioner and the other co-accused have deprived the livelihood of the informant by committing forgery and cheating her by declaring other family members including the two brothers namely Ramakant Yadav and Arvind Yadav dead and in connivance with the Circle Officer of Sour Bazar (Saharsa), the petitioner has managed to mutate the land in the name of his wife and his younger brother's wife. An appeal was preferred



before the Deputy Collector Land Reforms (DCLR), Saharsa, who has directed the Circle Officer to demarcate the land.

6. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

7. From perusal of the FIR, it is not apparent, out of total land, which part belongs to the informant and her other family members and in absence of the same, this Court is not in a position to declare whether the forgery has been committed or not.

8. In view of the above facts, as the parties have already availed remedy, and if they are not satisfied then they have remedy before the competent Civil Court for getting their property partitioned or in case they are entitled for recovery of possession and declaration of title, the same remedy can also be availed before the competent Civil Court. I find that the petitioner has *prima facie* made out a case to be released on pre-arrest bail.

9. The learned District Court is directed to release the petitioner on anticipatory bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) with two sureties of the like amount



each, to the satisfaction of learned Additional Chief Judicial Magistrate-II, Saharsa in connection with Sour Bazar (Patarghat) P.S. Case No. 787 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

10. The learned District Court is directed to verify the criminal antecedent of the petitioner, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner, as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

Chn/-
Ashishsingh/-

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