

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35661 of 2025

Arising Out of PS. Case No.-6622 Year-2024 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Lila Devi Wife of Late Basudev Rajak Resident of Village- Suggi, Police Station and District- Jamui.
 2. Kaushalya Devi Wife of Hekraj Rajak @ Hemraj Rajak Resident of Village- Parasi, Police Station- Khaira, District- Jamui.
 3. Gauri Devi Wife of Late Baidynath Rajak Resident of Village- Ratanpur, Police Station- Gidhousions, District- Jamui.
 4. Indra Devi Wife of Jawahar Rajak Resident of Village- Gangati, Police Station- Khaira, District- Jamui.
 5. Savita Devi Wife of Dinesh Rajak Resident of Village- Badildih, Police Station- Khaira, District- Jamui.
 6. Ajay Rajak Son of Late Basudev Rajak Resident of Village- Suggi, Police Station and District- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mukesh Kumar S/O Sri Kailash Rajak R/O Vill.- Anandpuri, Boring Canal Road, P.s.- Sri Krishnapuri, Dist.- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar
For the Opposite Party/s : Mr. Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 6 16-09-2025 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and the learned counsel appearing on behalf of the O.P. No.2.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 406, 420, 465 of the Indian Penal Code.
3. Learned counsel appearing on behalf of the



petitioners submits that petitioners are persons with clean antecedent and petitioner no.1 to 5 are women. It is submitted that one Chhathu Rajak had seven daughters, namely, Kunti, Gauri, Malti, Savita, Lila, Indira and Kaushalya. It is next submitted that in sum and substance, the allegation against the petitioners in the complaint case is that the mother of the complainant, namely, Kunti Devi had purchased a piece of land in name of her father Chhathu Rajak and Chhathu Rajak died on 12.06.2003 and prior to his death, on 10.06.2003, he had executed a gift deed in favour of the complainant, who is maternal grandson of Chhathu Rajak, further the petitioner no.1 to 5, who are daughters of Chhathu Rajak, fraudulently got the land in dispute mutated in their name, despite being aware that the land was purchased by their eldest sister Kunti Devi in name of her father Chhathu Rajak and Chhathu Rajak prior to his death had executed a gift deed.

4. The learned counsel appearing on behalf of the petitioners submits that the dispute is purely civil to which a criminal colour has been given. It is next submitted that though the complainant alleges that Chhathu Rajak died on 12.06.2003 and prior to his death, he had executed a gift deed on 10.06.2003 but then it is submitted that Chhathu Rajak died on



01.09.2001 and not on 12.06.2003. It is further submitted that father of the present complainant had instituted Probate Case No.50/2008 in the Court of learned A.D.J.-IV, Patna, wherein the death certificate of Chhathu Rajak was also made an exhibit and the said exhibit, recorded the date of death of Chhathu Rajak as 01.09.2001. It is next submitted that it was father of the complainant, who had brought the death certificate of Chhathu Rajak on record in the aforesaid Probate case but then the complainant in the instant complaint case is alleging that Chhathu Rajak had died on 12.06.2003 and two days prior to his death on 10.06.2003 had gifted the land purchased by his mother in his name, in favour of the complainant. It is next submitted that from perusal of the complaint case, it would manifest that the same contained an enclosure dated 21.04.2008, wherein it was recorded that petitioner no.1 to 5 had declared that the property in dispute was purchased by Kunti Devi i.e. their eldest sister in the name of their father Chhathu Rajak and Chhathu Rajak subsequently gifted the said property in favour of the complainant, as such they do not have any concern with the property in question. The learned counsel thus submits that the said document has been annexed with the complaint only with a view to justify that petitioner no.1 to 5 despite declaring



in 2008 itself that the property belongs to the complainant but still in the year 2023 they got the land mutated in their name by committing forgery but then it is submitted that from perusal of the document dated 21.04.2008, it would manifest that the same does not contain signature of petitioner no.1 to 5 rather carries thumb impression and the same is being disputed vehemently by the petitioners that they never executed the said document. It is further submitted that mutation with respect to the land, which was created in the name of the petitioner no.1 to 5 has already been set aside in appeal preferred by the complainant before the D.C.L.R. It is next submitted that the petitioners have preferred revision before the A.D.M. against the order passed by the D.C.L.R., which is pending adjudication.

5. The learned APP and the learned counsel appearing on behalf of the O.P. No.2 opposes the prayer for anticipatory bail of the petitioners but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioners that father of the complainant in Probate Case No.50/2008 had exhibited a document recording the date of death of Chhathu Rajak and the same recorded the date of death of Chhathu Rajak as 01.09.2001.

6. After hearing the learned counsel for the parties, the



dispute appears to be civil in nature to which a criminal colour has been given, as such, the petitioners above-named, in the event of their arrest or surrender before the learned Court below 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 learned trial court where the case is pending/successor court in connection with Complaint Case No.6622/2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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