

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54767 of 2025

Arising Out of PS. Case No.-2441 Year-2023 Thana- SIWAN COMPLAINT CASE District-
Siwan

-
1. Jyoti Devi W/O Shambhu Yadav Resident of village - Domidih, P.S. - Mairwa, District - Siwan
 2. Rajesh Yadav S/O Ram Chandra Yadav Resident of village- Domidih, P.S.- Mairwa, District- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manoj Yadav S/O Late Ramanand Yadav Resident of village - Domidih, P.O. - Sevatpur P.S. - Mairwa, District - Siwan

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan, Advocate
For the Opposite Party/s : Mr. Abhay Kumar Roy, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-09-2025 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel appearing on behalf of the complainant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 419, 420, 423, 465, 467 and 120B 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 is a woman and the complainant alleges that property of Ramji Choudhary is in possession of the complainant and his family members. Further, the accused persons, namely, Jyoti Devi (petitioner no. 1), Shambhu Yadav,



Rajesh Yadav (petitioner no. 2) along with Bharti Devi in connivance executed the sale deed with regard to the property of Ramji Choudhary in favour of Jyoti Devi and the sale deed was executed by manipulating the Aadhaar Card of Bharti Devi in the name of Sumari Devi. Further, the sale deed dated 06.10.2023 was executed while Ramji Choudhary was alive.

4. Learned counsel appearing on behalf of the petitioners submits that petitioner no. 1 is the purchaser of the land and petitioner no. 2 is a witness on the sale deed. It is further submitted that the complainant alleges that the property belongs to Ramji Choudhary and the sale deed was executed in favour of the petitioner no. 1 by manipulating the Aadhaar Card of Bharti Devi in the name of Sumari Devi. It is asserted and submitted that sale deed was executed by Sumari Devi and her photograph is also there on the sale deed. It is next submitted that Ramji Choudhary had two wives. The name of the first wife was Somari Devi who died in the year 1992 and the name of the second wife was Sumari Devi who presently is alive and has executed the sale deed in favour of petitioner no. 1. It is asserted and submitted that photograph of Sumari Devi is on the sale deed. It is also submitted that if the complainant is aggrieved by the fact that the sale deed executed in favour of the petitioner



no. 1 with respect to the land in dispute is a forged and a fabricated document or is executed by a person who is not the owner of the land in that event the complainant can move a Court of competent civil jurisdiction for getting the sale deed cancelled. It is further submitted that had an FIR been instituted in that event the police could have investigated the case but a complaint case came to be instituted, as such, the learned Magistrate based on the evidence of the complainant and two witnesses took cognizance. It is next submitted that a criminal case has been instituted only to coerce the petitioners into submission.

5. Learned A.P.P. for the State and the learned counsel appearing on behalf of the complainant opposed the prayer for anticipatory bail of the petitioners but then the learned counsel for the complainant fairly replies the submission of the learned counsel appearing on behalf of the petitioners that complainant is moving a Court of competent civil jurisdiction for getting the sale deed executed in favour of petitioner no. 1 cancelled on which learned counsel appearing on behalf of the petitioners submits that if the case which the complainant is contemplating to file before a Court of competent civil jurisdiction for getting the sale deed cancelled is dismissed in that event what happens.



It is thus submitted that if the anticipatory bail of the petitioners is rejected and the petitioners are taken in custody and subsequently the case to be filed by the complainant gets dismissed by a Court of competent civil jurisdiction in that event the same would amount to travesty of justice.

6. Considering the submissions made by the learned counsel appearing on behalf of 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. 2441 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Kundan/-

U		T	
---	--	---	--

