

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61186 of 2024

Arising Out of PS. Case No.-135 Year-2015 Thana- COMPLAINT CASE District- Lakhisarai

1. Shyam Sundari Devi Wife of Mithlesh Yadav
2. Mithlesh Yadav Son of Prayag Yadav.
Both R/O Vill.- Garhi Bishunpur, P.S. and Dist.- Lakhisarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Adhin Yadav S/o- Panwari Yadav, R/o-vill- Shahnagar, PS- Ramgarh Chowk, Dist Lakhisarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar, Advocate
For the Opposite Party/s : Mr.Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 18-02-2025 Heard Mr.Mukesh Kumar, learned counsel for the petitioners, learned counsel for the informant and Mr.Ajit Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Complaint Case No.135C/2015, registered for the offences punishable under Sections 420,467,468,120(B) of the Indian Penal Code.

3. According to the prosecution case, the co-accused persons under a conspiracy, got registered a forged sale deed of 21 decimals out of 67 decimals in favour of co-accused person namely, Shyam Sundari Devi @ Shyama Devi with respect to the land of the complainant situated in mauza Shahnagar. It is



further alleged that accused no. 2 namely, Shyam Sundari Devi @ Shyama Devi has no right to execute a sale deed in favour of accused no. 3 namely, Sunita Devi.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. The allegation as alleged in the complaint petition is false and fabricated and the petitioners have not committed any offence as alleged in the complaint petition and it appears from the complaint petition itself that the allegation as alleged in the complaint petition is of year 2012 but the present complaint has been filed in the year 2015 afterthought only to falsely implicated the petitioners and from a bare perusal of the complaint petition it appears that the present dispute is civil nature. Apart from that, the petitioner No.1 has purchased the land in question from Lakhan Yadav in the year 1989 and Lakhan Yadav has purchased the same in the year 1945 from one Bisho Yadav.

5. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for anticipatory bail of the petitioners and submits that the petitioners have cheated the complainant.

6. Considering the aforesaid facts, petitioners have



clean antecedent and petitioners have produced the copy which suggests that the petitioner No.1 has purchased the land from one Lakhan Yadav, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand)each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Complaint Case No.135C/2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 2023 and with other following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at



any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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