

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61097 of 2024

Arising Out of PS. Case No.-224 Year-2024 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

Rajesh Dwivedi @ Rajesh Dubey Son of Sitaram Dwivedi R/o Village-
Sapnawatiya, P.S.- Sonhan, District- Bhabhua at Kaimur, Bihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar

For the Opposite Party/s : Mr.Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 11-02-2025 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with
Complaint Case No. 224 of 2024 dated 28.03.2024 registered
under Section 420, 465, 467, 468, 471, 120(B) of the I.P.C.

3. The prosecution case as per the complaint petition is that
the complainant's father namely, Sita Ram Dubey who had
illicit relationship with another women in connivance with his
brother namely, Ram Chandra Dubey under conspiracy to
deprive the complainant from the ancestral properties filed a
Title Suit bearing Title Suit No. 1253 of 1972 in which the
complainant who was minor at that time and the co-accused
persons who were not even born were shown as major and
subsequently a compromise petition was filed in which their
forged signatures were used in order to deprive the complainant



from the ancestral property. On the basis of compromise decree, complainant's father and his brother along with their children entered into agreement and sold the property. Upon knowledge, the complainant enquired about his property on which the accused assured him to give his share in the ancestral property.

4. Learned counsel for the petitioner submits that the petitioner being the step brother of the complainant has falsely been implicated in this case by the complainant on the basis of concocted story due to ulterior motive and on account of disputes pending between them. He next submits that there is inordinate delay in filing the present complaint inasmuch as after more than 52 years of filing of title suit and after enjoying his share of property it is very illogical that the complainant came to know about compromise decree in the year 2017. He also submits that partition suit bearing Partition Suit No. 1078 of 2017 has also been filed by the family members of the complainant. He further submits that in order to pressurize the petitioner the complainant in abuse of the process of court has filed the present complaint by giving it colour of criminal nature whereas the present case arises out of title suit / compromise decree which gives rise to civil dispute. He next submits that similarly situated co-accused Sita Ram Dwivedi @ Sita Ram



Dubey in Cr. Misc. No. 85344 of 2024 and Deendayal Dwivedi @ Deendayal Dubey and Ram Pratap Dubey in Cr. Misc. No. 62300 of 2024 have been granted anticipatory bail by this court.

5. Learned counsel for the complainant vehemently opposed the prayer for anticipatory bail.

6. Regard being had to the submission made by the parties, taking into consideration the nature of allegation, the fact that both the parties are step brothers, there is inordinate delay in filing the present complaint, there appears to be land dispute between the parties and similarly situated co-accused has been granted anticipatory bail by this Court, as such, I am inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of ACJM 1, Kaimur at Bhabhua in connection with Complaint Case No. 224 of 2024 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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(Anil Kumar Sinha, J)

