

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71419 of 2024

Arising Out of PS. Case No.-533 Year-2018 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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1. Asha Devi W/o Dilip Kumar R/o Village/Mohalla- Mallahchak, P.S. and District- Jehanabad
 2. Dilip Kumar S/o Ramesh Prasad R/o Village/Mohalla- Mallahchak, P.S. and District- Jehanabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jawahir Mallah @ Nanhak Mallah S/o Late Devnandan Mallah R/o Village/Mohalla- Mallahchak, P.S. and District- Jehanabad. Present Add.- Mohalla Angs, P.O.- Rail Line, P.S.- Bhadeshwar, Distt.- Hugali (West Bangal)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh
For the Opposite Party/s : Mr. Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-02-2025 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 148, 149, 323, 341, 420, 467, 468, 120B and 506 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent. It is next submitted that even presuming what has been alleged in the FIR is true without admitting then also the dispute is purely civil in



nature. It is next submitted that the complainant alleges that she was called to Jehanabad by the petitioners where she had gone for obtaining the decree of the Court with respect to her land along with her children, further the petitioners confined her children and pressurized her to execute sale deed in favour of Gyanti Devi, the mother-in-law of petitioner no. 2. The learned counsel next submits that it is not in dispute that sale deed stands executed by the complainant in favour of Gyanti Devi, the mother of petitioner no. 1 and mother-in-law of petitioner no. 2. It is next submitted that if complainant is aggrieved by the execution of the sale deed, she has remedy of getting it cancelled in the event if the same was executed under coercion, threat or pressure, but then the same will have to be tested in a duly constituted trial before a competent Court of civil jurisdiction. It is further asserted and submitted that as of date, the sale deed stands and the complainant has not moved before a Court of competent civil jurisdiction for getting the same cancelled. The learned counsel for the petitioners next submits that since till date no case has been filed seeking cancellation of the sale deed as such no useful purpose would be served by sending the petitioners to jail.

4. Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioners.

5. Considering the submissions made by the learned counsel for the petitioners, 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) 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. 533 of 2018 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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