

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77417 of 2024

Arising Out of PS. Case No.-128 Year-2024 Thana- BARACHATTI District- Gaya

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1. Kalawati Devi @ Kalabati Devi W/O Shambhu Prasad R/O Village-Suraundha, P.S- Barachatti, Distt.- Gaya.
 2. Meena Devi W/O Raju Kumar Yadav R/O Village- Suraundha, P.S- Barachatti, Distt.- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Jamaluddin Ansari @ Jamaluddin Mian @ Md. Jamaluddin S/O Biku Mian Resident of Village Suraundha P.S. Barachatti Distt Gaya

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Surendra Prasad Singh, Advocate
For the State	:	Mr. Ram Naresh Ray, APP
For the O.P. No.2	:	Md. Javed Jafar Khan, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL ORDER

6 12-08-2025 Heard learned counsel for the petitioners, learned counsel for the opposite party no.2 and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Section 420 of the Indian Penal Code.

3. The allegation in the first information report is that the petitioners got registry of land done from the informant of a different plot with mala fide intentions and thereby cheated the informant, who is an illiterate person.

4. It is submitted by learned counsel for the petitioners



that the petitioners have not indulged in any fraud. As a matter of fact, the informant himself has executed a sale deed in favour of the petitioners as against which he has also taken the amount. It cannot be, thus, stated that the petitioners have got some fraudulent deal done without making any payment to the informant. Further, the allegation of informant not being aware of the other plot being sold is not conceivable as there are other witnesses to the sale deed also.

5. Learned counsel for the opposite party no.2 and learned APP for the State opposed the prayer for anticipatory bail on the ground that the petitioners have indulged in fraudulent exercise and have cheated the informant. Further, the petitioners have criminal antecedents of three cases each. In response, it is submitted on behalf of the petitioners that petitioners are on bail in the said cases.

6. Taking into account the rival contentions as also considering that the nature of the dispute is civil and the petitioners are females, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the



satisfaction of the learned lower Court where the case is pending/successor Court in connection with Barachatti P.S. Case No.128 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/482 (2) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, subject to further conditions that:

(i) One of the bailors would be family member of the petitioners.

(ii) The petitioners would make themselves available before the Investigating Officer of the case as and when required.

(iii) And further condition that the court below shall verify the criminal antecedent of the petitioners and in case it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, it is expected that the verification process would be done expeditiously without causing any delay, preferably within a period of two weeks.

(Soni Shrivastava, J)

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