

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77409 of 2024

Arising Out of PS. Case No.-1281 Year-2022 Thana- GAYA COMPLAINT CASE District-
Gaya

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Pushpa Devi W/o - Late Yugesh Pandey Resident of Village - Parsawan,
Police Station - Magadh Medical, District - Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Binod Kumar Pandey Son of Late Uma Shankar Pandey Resident of Village
- Pandey Parsawan, Police Station - Magadh Medical, District - Gaya

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 78406 of 2024

Arising Out of PS. Case No.-1281 Year-2022 Thana- GAYA COMPLAINT CASE District-
Gaya

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Nitish Kumar Pandey S/o Satyendra Kumar Pandey R/o vill - Parsawan, P.S. -
Magadh Medical, Distt.- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Binod Kumar Pandey S/o Late Uma Shankar Pandey R/o Pandey Parsawa,
P.S. - Magadh Medical, Distt.- Gaya

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 78422 of 2024

Arising Out of PS. Case No.-1281 Year-2022 Thana- GAYA COMPLAINT CASE District-
Gaya

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Rahul Bhardwaj S/O Late Yugesh Pandey R/O Vill.- Parsawan, P.S- Magadh
Medical, Distt.- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Binod Kumar Pandey S/O Late Uma Shankar Pandey R/O Pandey
Parsawan, P.S- Magadh Medical, Distt.- Patna.

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 77409 of 2024)

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
Ms. Preemlata Pandey, Advocate
Mr. Ashok Kumar Kashyap, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

(In CRIMINAL MISCELLANEOUS No. 78406 of 2024)

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
Mr. Ashok Kumar Kashyap
Ms. Preemlata Pandey, Advocate

For the Opposite Party/s : Mr. Madan Kumar, Advocate

(In CRIMINAL MISCELLANEOUS No. 78422 of 2024)

For the Petitioner/s : Mr. Ashok Kumar Kashyap, Advocate

For the Opposite Party/s : Mr. Madan Kumar, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 19-04-2025 These three bail applications arise out of same complaint case being Complaint Case no.1281 of 2022 registered for the offence under Sections 420, 465, 466, 466, 468, 471, 384, 504, 120B and 34 of the Indian Penal Code and hence are being taken up together.

2. Initially, complaint had been lodged under Sections 420, 465, 466, 466, 468, 471, 384, 504, 120B and 34 of the Indian Penal Code, however, cognizance has been taken only under Sections 420 and 468 of the Indian Penal Code.

3. Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the complainant.

4. The petitioners apprehend their arrest in connection with Complaint Case no.1281 of 2022 registered for the offence under Sections 420 and 468 of the Indian Penal Code.

5. As per complaint petition, the complainant states



that Rahul Bhardwaj committed a criminal conspiracy and executed registered sale deed in the name his mother Pushpa Devi whereupon accused Nitish Kumar Pandey was made as witness of the said sale deed. On verification from the Registry Office, the complainant found the said facts and hence lodged the present complaint.

4. Learned Senior counsel for the petitioners submits that from the very perusal of the complaint, it would appear that the dispute is purely civil in nature based upon execution of the sale deed with respect to the land in question which is being claimed by the complainant. So far as allegation against the accused Pushpa Devi in Cr. Misc. No. 77409 of 2024 is concerned, sale deed has been registered in her name by the accused Rahul Bhardwaj in Cr. Misc. No. 78422 of 2024. So far as allegation against accused Nitish Kumar Pandey in Cr. Misc. No. 78406 of 2024 is concerned, he is said to be witness of the said sale deed. Learned Senior counsel further submits that both the sides distantly related to each other and there has been a partition with regard to the landed property. From the allegations, it appears that if at all, wrong sale deed has been executed, the remedy of cancellation of sale deed is available to the complainant which can be resorted to by her. Petitioner no. 1



and 3 have no criminal antecedent while petitioner no. 2 has one criminal antecedent in which he is on bail. The petitioners undertake to cooperate in the case/trial.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State and learned counsel for the informant.

6. In view of the entire facts and circumstances of the case and especially, taking into consideration that there is a civil dispute between the parties, it is directed that the petitioners, above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Complaint Case no.1281 of 2022 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023.

(Soni Shrivastava, J)

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