

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.80039 of 2024**

Arising Out of PS. Case No.-303 Year-2019 Thana- GOVINDGANJ District- East  
Champaran

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1. Vina Devi, W/O Rajendra Tiwari R/o Janerwa, Ward No. 07, P.S- Areraj, District- East Champaran.
  2. Amarendra Tiwari, S/O Late Yogendra Tiwari, R/o Janerwa, Ward No. 07, P.S- Areraj, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

|                      |   |                                                                                         |
|----------------------|---|-----------------------------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Saket Tiwari, Advocate<br>Mr. Animesh Gupta, Advocate<br>Mr. Shivam Gupta, Advocate |
| For the State        | : | Mr. Nand Kishore Prasad, APP                                                            |
| For Informant        | : | Mr. Satish Kumar Sinha, Advocate<br>Ms. Rekha Kumari, Advocate                          |

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**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

3      22-03-2025                      Heard Mr. Saket Tiwari, learned counsel for the  
  
Petitioners, Mr. Satish Kumar Sinha, learned counsel for the  
  
Informant and Mr. Nand Kishore Prasad, learned APP for the  
  
State.

2. The petitioners apprehend their arrest in connection  
with Govindganj (Areraj) P.S. Case No. 303 of 2019 dated  
15.09.2019 registered for the offences punishable under  
Sections 406, 420, 467, 468 and 471 of the Indian Penal Code.

3. The main submissions advanced by learned counsel  
for the petitioners are that the petitioner no. 1 is a 57 year old  
lady and petitioner no. 2 is the nephew of the husband of



petitioner no. 1 and both have fair and clean antecedent, if we take into account the nature of allegation levelled by the informant who is elder brother of the husband of the petitioner no. 1, it would be appear the instant matter purely relates to a civil wrong and both the petitioners have based their claim over the land in question on the basis of a Sale Deed executed in the year 2012 by Late Most. Tara Kunwar who was a common relative of both the parties and on the basis of that transfer deed, the mutation was also done in favour of the petitioners, though, the informant who is claiming his title and right over the land in question on the basis of a Gift deed which is said to have been executed in the year 1989 by one Yamuna Tiwari, father of the informant but the said fact was not in the knowledge of the petitioners and after the dispute arisen in between both the parties, the informant of this case filed a Title Suit No. 41/2021 in which he disputed the petitioners' claim and right over the land in question but later on, he withdrew his case by filing a Withdrawal Petition under the provisions of Order 23 Rule I of Civil Procedure Code, on that basis, the title suit was disposed of as withdrawn of which order's copy has been filed with this petition, so, in view of the said development, it can be deemed that the informant has accepted the claim of the petitioners in



the land in question.

4. On the other hand, learned counsel appearing for the informant has vehemently opposed the prayer of the petitioners and submits that both the petitioners are habitual in committing fraud and cheating and the informant has title and right in the land in question since the year 1989 and the same arose in the light of a Gift Deed and since the year 1989, the name of the informant was entered into the Revenue Records as well as Jamabandi etc., though, the informant has withdrawn his Title Suit but in anticipation of the settlement regarding which an assurance was given by the petitioners but thereafter, no settlement has been done till date and after the execution of the Gift Deed in favour of informant by late Yamuna Tiwari, the land in question was also mutated in favour of the informant and all these facts were in the knowledge of the petitioners.

5. Considering the facts and circumstances of this case as well as the nature of allegation and mainly the facts that both the parties are relatives and both are claiming their right and title over the land in question on the basis of registered Gift Deed and Sale Deed and also coupled with the petitioners' fair and clean antecedent, this Court is inclined to grant the relief of anticipatory bail to the petitioners. Accordingly, let the



petitioners named-above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Govindganj (Areraj) P.S. Case No. 303 of 2019, subject to the conditions as laid down under Section 438(2) of Cr.P.C.

**(Shailendra Singh, J)**

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