

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13855 of 2017

Arising Out of PS.Case No. -491 Year- 2013 Thana -BHABHUA District- BHABHUA (KAIMUR)

=====

1. Raj Kumar Jha, Son of Late Liladhar Jha, Resident of Village- Gangapur,
P.O. +P.S.- Pandaul, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

with

Criminal Miscellaneous No.15001 of 2017

Arising Out of PS.Case No. -491 Year- 2013 Thana -BHABHUA District- BHABHUA (KAIMUR)

=====

1. RAM SANEHI SAH @ RAM SANEH SINGH, Son of Late Ragunath
Sah, resident of Village- Lodhi Barawn, Police Station- Sasaram, District-
Rohtas (Sasaram).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

(In Cr.Misc. No.13855 of 2017)

For the Petitioner/s	: Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Prem Sheela Pandey, Advocate Mrs. Priyanka Singh, Advocate
For the State	: Mr. Shyameshwar Dayal, A.P.P.
For the Informant	: Mr. Ashok Kumar Garg, Advocate

(In Cr.Misc. No.15001 of 2017)

For the Petitioner/s	: Mr. Pancham Lal Jaiswal, Advocate
For the Informant	: Mr. Ashok Kumar Garg, Advocate
For the State	: Mr. Manish Kumar , A.P.P.

=====

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**
ORAL ORDER

6 29-06-2017

Heard both sides.

The petitioners apprehend their arrest in Bhabhua

P.S. Case no. 491 of 2013 instituted for the offences under



Sections 420, 467, 468, 471, 447, 120 (B) of the Indian Penal Code.

One Sudha Agrawal, the informant, alleged that after death of her parents, she along with her three sisters became owner of the land and the said land was also mutated in her and her sister's name. It is further alleged that her parents were killed by one Sanjay Tiwari and others and they were convicted vide Sessions Trial No. 298 of 2003. Further, it is alleged that the main accused, Dhawani Agarwal @ Kirti Bansal in connivance with the petitioner, who happens to be the Sub- Registrar of the Registry Office have illegally transferred the property without following the rules and regulations of Registration Act.

Learned counsel for the petitioners submitted that Raj Kumar Jha in Cri. Misc. No. 13855 of 2017 is the Sub-Registrar of Bhabhua Registry Office and Ram Sanahi Sah @ Ram Saneh Singh, petitioner of Cr. Misc. No. 15001 of 2017 is an Assistant of Bhabhua Registry Office. The petitioners have committed no fraud. The duty of the Registrars are to register the documents and they cannot examine the right, title and possession of the person executing the sale deed. The Registrars has only to ensure that the person who is executing the deed, his photo, finger prints and the person whose photographs are there is executing the



sale deed. All these things match, the Registry cannot refuse to register the sale deed.

On the other hand learned counsel appearing on behalf of the informant as well as learned advocate for the state submitted that the Sub Registrar on the fulfillment of certain condition he ordered the assistant of the office to go to the house of the executants of the sale deed only and thereafter, accountant was brought into the residence. It appears from the record and the allegation made in the F.I.R. that one Sudha Agrawal alleged that Dhawani Agarwal @ Kirti Bansal wrongly executed the sale deed. She alleged that Sudha Agrawal solemnized married with Sanjay after the death of her husband Dhawani Agrawal in the year 2003.

It appears that the petitioners are Staff of the Registry Office and the petitioner Raj Kumar Jha only authorized Ram Sanehi Sah @ Ram Saneh Singh for execution of the deed.

Considering the facts aforesaid and the fact that the informant alleged that she being the owner of the land alongwith her sisters, the name of the informant and her sisters were also mutated and the person who has killed her parents has already been convicted, the petitioners above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order,



are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of C.J.M., Bhabhua in connection with Bhabhua P.S. Case No. 491 of 2013, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

Amit/-

U			
---	--	--	--

