

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.56772 of 2017**

Arising Out of PS.Case No. -3848 Year- 2016 Thana -PATNA COMPLAINT CASE District-  
PATNA

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1. Binod Kumar, Son of Late Sita Ram, resident of Mohalla- Noon ka Chauraha, Police Station- Khajekalan, Patna City, District- Patna, presently C/o Late Vishwanath Prasad Mohalla- Noon ka Chauraha, Police Station- Khajekalan, Patna City, District- Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Pramod Kumar Anand, Son of Late Sita Ram, resident of Quarter No. 5-96, Shaymli, Police Station- Doranda, District- Ranchi, Jharkhand.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Anil Kumar

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

ORAL ORDER

2      02-01-2018                      Heard both sides.

The petitioner apprehends his arrest in Complaint Case No.3848 of 2016 for the offences allegedly committed by the petitioner under Sections 467 and 468 of the Indian Penal Code.

The complainant alleged that the petitioner swore affidavit before the revenue officer that he is the sole son of Sitaram and thereby inherited the property left by Sitaram. It is further alleged that the petitioner on the basis of such fraudulent affidavit sold homestead land measuring 592.2 sq. feet bearing Plot No.1032, Holding No.102/93.

The learned counsel for the petitioner submits that the



petitioner did not commit any fraud nor made any interpolation in any deed of records. The petitioner executed a sale deed in favour of Smt. Gita Devi. The sale deed is part of the complaint petition. The recital of the sale deed itself shows that the petitioner has already stated that Sitaram got two sons, Binod Kumar, the petitioner and Pramod Kumar Anand, the complainant. Pramod Kumar Anand after taking money from the petitioner gave possession to the petitioner of his own share. The petitioner never played any fraud before the revenue authority. The complainant has already filed title suit bearing Title Suit No.516 of 2016 for declaration of sale deed dated 22.10.2016 as illegal and fraudulent.

On the other hand, the learned counsel for the complainant as well as learned Additional P.P. vehemently opposed the prayer for anticipatory bail and submitted that affidavit annexed with the complaint petition shows that the petitioner got his name mutated in the Municipal Corporation after swearing false affidavit stating that Sitaram got only one son namely Binod Kumar, the petitioner and only thereafter his name was mutated.

It appears that of course, the petitioner filed false affidavit before the revenue authority but recital of the sale deed shows that petitioner has very clearly stated that Sitaram got two



sons, the petitioner, Binod Kumar and Pramod Kumar Anand, the complainant. The petitioner executed the sale deed in favour of Gita Devi, wife of Binod Kumar Gupta alleging therein that his brother, Pramod Kumar Anand after receiving money from him handed over the possession of his share to the petitioner. The complainant has already filed title suit for declaration of the sale deed as illegal and void.

Considering the facts aforesaid and the fact that the dispute is of civil nature, the petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate VI, Patna in connection with Complaint Case No.3848 of 2016, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Prabhat Kumar Jha, J)**

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