

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7794 of 2019

Arising Out of PS. Case No.-478 Year-2018 Thana- MOTIPUR District- Muzaffarpur

1. Kamal Kant Ray, Son of Rupal Ray, Resident of Village - Sandha Dambur Ward no. 12,
2. Ranjit Kumar Pandey, son of Braj Kishore Pandey Resident of Village - Anjana Kothi, P.O.- Agarwa,
3. Purshotam kumar Sharma @ Purushottam Sharma, Son Of Narayan Thakur Resident of Village - Agarwa , P.O.- Agarwa,
4. Veer Chandar Sudhanshu Kumar @ Veer Chandra Sudhanshu Kumar, Son of Nagendra Singh Resident of Village - Mithansarai,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kalyan Shankar
For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

8 26-08-2019 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

At the very outset, learned counsel for the petitioner seeks permission to withdraw this application against petitioner No.4. Permission is granted. Accordingly, this application is dismissed as against petitioner No.4.

Insofar as petitioner No.1, 2 and 3 are concerned, they apprehend their arrest in connection with Motipur P.S. Case No.478 of 2018 for the offence punishable under Sections 406, 420, 467, 471, 120(B)/34 of the Indian Penal Code.



The allegation against the petitioners is that petitioners and co-accused Virchand Sudhanshu Kumar had a talk with the informant regarding purchase of a piece of land from the father of the complainant-cum-informant having a lower price but by impersonation, the land belonging to the father of the complainant-cum-informant of higher value was sold in favour of petitioner No.1. Petitioner No.2 is a deed writer and petitioner No.3 is clerk of Registry office.

Mr. Kalyan Shanker, learned counsel for the petitioners submits that petitioner No.1 is a *bona fide* purchaser for a value of a piece of land from the father of the complaint-cum-informant inasmuch as the petitioner No.1 had purchased the said land by way of registered sale deed having a photograph of the father of the complainant-cum-informant along with his thumb impression and the sale deed dated 01.12.2017 has been annexed as Annexure-3 along with the supplementary affidavit filed by the petitioner.

On the other hand, Dr. Alok Kumar, learned counsel appearing for the complainant-cum-informant vehemently opposes the prayer for anticipatory bail and submits that the father of the complainant-informant was impersonated by these petitioners and a valuable piece of land has illegally been



transferred in favour of petitioner No.1 in connivance with the accused persons. Learned counsel further submits that photograph of the father of informant attached with the sale deed was not taken in the Registry office and the same was attached by the petitioner no.1 and others. In paragraph 14 of the case diary, he has denied that any piece of land was sold by him in favour of petitioner No.1 and others.

After having heard learned counsel for the petitioners as well as learned counsel appearing on behalf of the State and taking into consideration the fact that prima facie a sale deed is on record which is Annexure-3, which goes to show that the father of the complainant-informant has executed the sale deed in favour of petitioner No.1 and except evidence of the vendor, no other scientific evidence is there to inquiry about the authenticity of the sale deed, as such, I am inclined to grant anticipatory bail to the petitioner No.1, 2 and 3.

Accordingly, the petitioner No.1, 2 and 3, above named, are directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by them, they shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the



satisfaction of learned Sub Divisional Judicial Magistrate, West
Muzaffarpur, subject to the condition as mentioned under
Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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