

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16344 of 2019**

Arising Out of PS. Case No.-195 Year-2016 Thana- BODHGAYA District- Gaya

SANJAY SINGH Son of Late Chhatarpati Singh Resident of Village -  
Surajpura, P.S.- Bodh Gaya, Distt.- Gaya., Presently R/o Mohalla- Alawalpur,  
P.S.- fatuha, (Gaurichak), Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

|                          |   |                        |
|--------------------------|---|------------------------|
| For the Petitioner/s     | : | Mr.Gopal Govind Mishra |
| For the Opposite Party/s | : | Mr.Pranav Kumar        |
| For the informant        | : | Mr. Sharda Nand Mishra |

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

8      21-10-2019                      Heard learned Counsel for the petitioner, learned  
Counsel for the informant and learned Additional Public  
Prosecutor for the State.

This application, for grant of anticipatory bail, arises  
out of Bodh Gaya Police Station Case No. 195 of 2016,  
disclosing offences under Sections 406/420/34 of the Indian  
Penal Code.

The allegation against the petitioner is that the  
petitioner, along with other co-sharer, Ram Jeevan Singh,  
entered into an agreement for sale of a piece of land belonging  
to the petitioner and others through a broker and received a sum  
of Rs. 13,34,100/- and executed a sale deed in favour of the  
informant on 13.01.2015, having an area of 3181 sq. ft. It has



further been alleged that the petitioner along with co-sharers connived with each other and duped the consideration amount given by the informant inasmuch as after execution of the sale deed, the petitioner along with others filed Partition Suit No. 716 of 2015 and when the informant went to take physical possession over the land in question, the same was objected by other co-sharers of the petitioner.

Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case inasmuch as he has sold the property being the joint family property in favour of the informant and when the other co-sharers denied the validity of the memorandum of the partition, he has filed the said partition suit.

On the other hand, learned Counsel for the informant vehemently opposes the prayer for bail and submits that the petitioner, along with others, deliberately and with intention to cheat the informant, has realized a sum of Rs. 13,34,100/- from the informant and executed a sale deed and in connivance with each other, the informant was being prevented from taking possession over the land in question. He further submits that bona fide of the petitioner is not apparent on the face of it inasmuch as in the partition suit, he has not stated anything



about the sale of the land in question in favour of the informant, in the plaint, which is Annexure-2 to this application.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner has himself filed the partition suit for the land jointly owned by him, but when the informant went to take possession of the land in question, the same was objected by other co-sharers of the petitioner and in the partition suit, the petitioner has not disclosed the fact regarding sale of the land in question in favour of the informant, I am not inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, dismissed.

**(Anil Kumar Sinha, J.)**

Prabhakar Anand/-

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