IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3507 of 2020

Arising Out of PS. Case No.-256 Year-2019 Thana- SAMASTIPUR District- Samastipur

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1. SAROJ KUMAR SINHA Son of Mithilesh Kumar Sinha
2. Shekhar Pridarshi @ Shekhar Priyadarshi Son of Mithilesh Kumar Sinha
3. Shilbant Kumar Son of Satyandra Narayan Singh, all 1 to 3 are Resident of Village- Baikunth Brahanda @ Baikunthpur Brahanda, P.S.- Ujiarpur, District- Samastipur.
4. Sujeet Kumar Son of Late Ramashray Mahto Resident of Village- Mokhtiyarpur, P.S.- Dalsingsarai, District- Samastipur.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Bijay Bhushan Prasad, Adv
For the Opposite Party/s	:	Mr.Arun Kumar, APP
For the Informant	:	Mr.P.K. Shahi, Sr.Adv

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL ORDER

3 30-06-2020 The matter has been taken up through video conferencing.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 420,467,468,471,120B of the Indian Penal Code.

Prosecution case is that petitioner Nos.1 and 2 placed an impersonated person before the Registrar and got a registered sale deed dated 23.09.2019 said to be executed by the informant-Mr. Rakesh Raman in favour of petitioner No.2- Shekhar Pridarshi @ Shekhar Priyadarshi whereby 462 decimals of land was transferred on total consideration money of Rs.80,00,000/-(Rupees Eighty Lacs). Other petitioners are either identifier or witnesses on the said document. Annexure-2 is the sale deed which bears different writing and photograph than that of the informant available on his Pan Card, Voter Card, Adhar Card etc.

Learned counsel for the petitioners submits that the FIR itself speaks that earlier a talk for sale of the property was there. The consideration money was transferred in the bank account of the informant and after executing sale deed, the informant just to put wrongful pressure has lodged the FIR. Moreover, the informant had filed a civil suit for redressal of his grievance.

Learned senior counsel for the informant submits that civil remedy is no bar for criminal prosecution, if the ingredients of criminal offences are made out. He submits that consideration money was not paid through bank draft or cheque and the informant deposited the same to his bank account rather the money was transferred to the bank account by petitioner No.1 through e.mode which can be done by anyone without the consent of the holder of the transferee account. Moreover, the circle rate of the land in the area is known to all and such a huge area was transferred on such a meager consideration money is highly unbelievable. The photographs of the informant on the sale deed and other documents as well as his signature would make it crystal clear that some impersonation was made there.

For the purpose of consideration of this prayer for anticipatory bail, I am prima facie satisfied that this is a case of impersonation and cheating. Therefore, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, prayer is refused in connection with Samastipur Town (Nagar) P.S.Case No.256 of 2019 pending in the court of learned C.J.M., Samastipur. They may surrender and prayer for regular bail.

(Birendra Kumar, J)

Nitesh/-

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