

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9604 of 2020

Arising Out of PS. Case No.-403 Year-2018 Thana- PARSABAZAR District- Patna

KRISHNA BHAGWAN SINGH Son of Late Dharmpal Singh Resident of
Village - Chiniya Bela, P.S.- Punpun, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar

For the Opposite Party/s : Mr.Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 2 18-06-2020 This case has been heard through video conferencing.
- Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.
- The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 406, 420, 467, 468, 469, 471, 341, 323, 504 of the Indian Penal Code.
- Prosecution case as lodged by the informant is that the petitioner and his father shown him a land and represented and made him to believe that the same belongs to him and is in his possession and free from any dispute. On believing, he paid them Rs. 21,57,000/- by taking loan and got registered a sale deed in his favour for three katha land. It is further alleged that his son-in-law an Army man also paid him Rs. 10,79, 000/- and



got registered a sale deed for one katha ten dhur land. It is further alleged that when the informant went to get possession over the said land found that a case was going on upon that land. It is alleged that petitioner has played deception and made the informant and his son-in-law to purchase the land to which he has loosed the case. It is alleged that petitioner promised to either return the money or to execute sale deed for some other land but he has not done so. It is further alleged that earlier also the accused persons has cheated some other persons and is accused of similar nature case.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He submits that the plot no. 359 area 1 acre and 3 decimals is recorded in the name of maternal grand father of the petitioner and the petitioner filed Mutation case No. 480 of 2012-13 wherein order has been passed in his favour and his name was mutated for mutation of plot no. 359 and rent receipts were also granted to him. It is further submitted that he is bonafide owner of plot no. 359 and rightly executed sale deed. It was further submitted that actually informant himself is a land broker and on instance of informant, the accused petitioner sold the land to so many persons and list of document with



documents has been filed on behalf of the petitioner. It was submitted that from perusal of deed no. 3175 dated 07.05.2014 it appears that informant Hari Prasad is one of the witness in the deed. It was further submitted that he actually received only Rs. 6 lacs from the informant and he is ready to pay the same to the informant.

Learned APP for the State along with the informant submits that the informant and his son-in-law purchased lands after taking loans from so many persons and put their hand earned money. It was submitted that the petitioner was under obligation to show that he has lodged the case before DCLR vide case No. 480/12-13 wherein order dated 08.08.2013 was passed against him which was not disclosed by the petitioner. There is very specific allegation of acting on deception played by the accused petitioner and his sons by not disclosing order dated 08.08.2013 of DCLR and disputed land was sold to the informant and his son-in-law. Petitioner accused has stated that he want to give Rs. 6 lacs which he had received from the informant but from perusal of sale deed executed in favour of informant the consideration money is mentioned Rs. 21,57,000/-. Further the sale deed executed in favour of daughter of the informant, consideration money is mentioned as



Rs. 10,79,000/-

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, his payer for anticipatory bail is rejected in connection with Parsa Bazar P.S. Case No. 403 of 2018 pending before the court of the learned J.M. 1st Class, Patna.

(Anjani Kumar Sharan, J)

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