

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29529 of 2022

Arising Out of PS. Case No.-416 Year-2021 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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CHANDRA BHUSHAN MANDAL SON OF LATE THAKUR MANDAL
RESIDENT OF VILLAGE- JAPTELI , P.S- SAHU PARBATT
(NAUGACHHIYA) , DIST- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 21-11-2022 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 419,
420, 467, 468, 471 and 120(B) of the Indian Penal Code.

The informant alleges that his ancestral property is
coming in the name of Rai Sahab, S.P. Mandal, further the
legal heir of the ancestral property are his mother (Kaushala
Mandal) and informant along with his two brothers, it is
next alleged that the petitioner along with Ratan Kumar
Santhaliya and Vikramsheel Developers in connivance
with Revenue Karamchari got a forged genealogical table



prepared by including one Kalawati Devi wife of Aurther Mandal, when Kalawati Devi is not in existence, it is next alleged that with an intention to usurp the property of Aurther Mandal a forged and a fabricated document has been prepared.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been falsely implicated in the present case, it is next submitted that petitioner had entered into an agreement for sale with one Kalawati Devi for purchasing the land in question for an amount of Rs. 9,00,00,000/-, but he paid an amount of Rs. 50,00,000/- by way of earnest money in pursuance of an agreement for sale to Kalawati Devi *vide* Cheque No. 03689. Learned counsel next submits that the petitioner bonafidely entered into an agreement for sale with Kalawati Devi and the informant has falsely alleged that there is no Kalawati Devi in existence and is an imaginary person who was created with a view to usurp the property of Aurther Mandal. Learned counsel further submits that it has been specifically pleaded at paragraph '10' that a Title Suit No. 101 of 2020 has been filed by Ratan Kumar Santhaliya in



the capacity of Director of Vikramsheela Development (Private) Ltd for specific performance of sale deed.

Learned A.P.P. Shri Chandrabhushan Prasad for the State opposes the prayer for anticipatory bail of the petitioner and submits that it appears to be a case where land mafias are involved and trying to usurp the property of the helpless informant. Learned A.P.P. further submits that from perusal of paragraph '6' of the anticipatory bail application it would manifest that the pleading is completely cryptic and vague as it does not disclose the date of Cheque and on which bank it was drawn rather a cryptic statement has been made that Cheque No. 03689 was issued in favour of Kalawati Devi which does not inspire confidence, it is next submitted that *vide* Order Dated 16.11.2022, the petitioner was directed to produce his passbook to show that an amount of Rs. 50,00,000/- was deducted from his account to the account of Kalawati Devi but the same also has not been brought before the Court. Learned A.P.P. next submits that the pleadings made at paragraph '10' is more cryptic and vague than what has been pleaded with respect to the Cheque at least Cheque



No. was there but here neither the pleadings states that in which Court the case is pending nor who are the parties in the proceeding which also does not inspire confidence.

Considering the submissions made by the learned A.P.P. the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

(Satyavrat Verma, J)

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