**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**CRIMINAL MISCELLANEOUS No.18163 of 2023**

Arising Out of PS. Case No.-1268 Year-2021 Thana- PATNA COMPLAINT CASE District-Patna

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1. RAJEEV KUMAR Son of Sri Ganpati Singh Director of Income Tax (I and CI), 4th Floor, Aykar Bhawan, Annex-P13, Chowing hee square, Kalkata, West Bengal, R/o Mohit Narayan Singh Path, Punaichak, P.S.- Shastri Nagar, District- Patna
2. RAGNI SINGH Wife of Rajeev Kumar, D/o Sri Jagarnath Prasad Singh R/o Singh Niwas, Bihari Saw Lane, Muradpur, Ashok Raj Path, P.S.- Pirbahor, District- Patna

... ... Petitioner/s

Versus

1. The State of Bihar
2. Ranjan Kumar Son of Late Chitrablal Singh Proprietor of Guru Construction, R/o Chiraiyatar, Devi Asthan (Chandan Cement Store), 3rd Floor, P.S.- Jakkanpur, District- Patna- 800001

... ... Opposite Party/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Jagnnath Singh, Advocate |
| | | Mr. Rakesh Kumar, Advocate |
| | | Mr. Ghulam Mustafa, Advocate |
| For the Opposite Party/s | : | Mr. Parmanand Prasad, APP |
| For the Complainant | : | Mr. Rajendra Narayan, Sr. Advocate |

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**

ORAL ORDER

4 28-07-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State along with learned Senior counsel for the complainant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and petitioner no.

2 is a woman.

4. The informant alleges that the complainant entered into an agreement with the accused persons for purchasing 26 *Katthas* of land at Kumhrar, further the agreement was entered at the behest of Rajeev and Ravi Nandan, further on 19.06.2018 the accused persons received an amount of Rs. 1,01,00,000/- collectively, the money was paid in presence of Rajeev and Ravi Nandan, further Ragni wife of Rajeev assured that land is free from all encumbrances, next alleges that he was cheated of huge amount as the accused persons had concealed the fact that the land was mortgaged with Bank of Baroda, next alleges that the property has been put on auction by the bank in terms of an order passed in O.A. No. 234 of 2014 by the learned D.R.T, filed by the bank.

5. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, it is next submitted that petitioner no. 1 is an Income Tax Officer and at the relevant time was posted as Director of Income Tax at Patna. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the allegation against the petitioners is that the agreement entered in between the complainant and the accused persons was entered at the

behest of the petitioner no. 1 and Ravi Nandan, it is further submitted that petitioner no. 2 is the wife of the petitioner no. 1 and being wife she has been implicated and also for the reason that she is a witness on the agreement. It is next submitted that from perusal of the complaint, it would manifest that power of attorney for selling the property in question was given to the petitioner no. 2 on 01.06.2018, but then the agreement which was entered in between the complainant and the accused persons is dated 19.06.2018, it is thus submitted that if the petitioner no. 2 had any power of attorney to sell the land in question, then definitely the agreement dated 19.06.2018 would have been entered in between her and the complainant, but then that is not the case, which further casts an aspersion on the case of the complainant. It is next submitted that though it is alleged that complainant was cheated of his money, but then a purchaser has to be aware, it is also submitted that the agreement entered in between the complainant and the accused person was with respect to 26 *Katthas* of land out of which only 8 *Katthas* of land have been mortgaged with the bank and rest of the land is saleable, but then the price of the left over 18 *Katthas* of land is more than 11 Crores and the complainant is not in a position to pay that amount, as such, the present false complaint case has been instituted in order to coerce the petitioners and accused into submission, it is next submitted that it absolutely does not stand to reason that such a high ranking officials of the Income Tax Department would indulge in such a forgery knowing that if the case is proved against him, his entire career would get jeopardized. It is thus submitted that the complainant very wisely implicated the petitioner no. 1 by alleging that it was at his behest that the agreement was entered in between him and the accused persons. It is further submitted that if there is an agreement and the same has been breached, the complainant has remedies available in law. It is next submitted that petitioners along with the accused have their case, the complainant has his case, but definitely the F.I.R/Complaint is an abuse of the process of the Court, as it amounts to coercing the petitioners into submission for parting with the money.

6. Learned A.P.P. for the State along with the learned Senior Counsel for the complainant opposes the prayer for anticipatory bail of the petitioners, but are not in a position to rebut the submission of the learned counsel for the petitioners that the agreement was not entered in between the complainant and the petitioner no. 2, further out of 26 *Katthas* of land, only 8 *Katthas* are mortgaged with the bank and rest is saleable and

further that apart from a bald allegation against petitioner no. 1, no specific allegation is alleged against him.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Complaint Case No. 1268(C) of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. **Accordingly, the present anticipatory bail application stands allowed.**

**(Satyavrat Verma, J)**

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