

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.17269 of 2023**

Arising Out of PS. Case No.-987 Year-2022 Thana- BIHAR District- Nalanda

MINTU KUMAR SON OF LATE AJIT PRASAD RESIDENT OF  
VILLAGE- LAKHRAWAN, PS- DEEPNAGAR, DISTRICT- NALANDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                            |                                   |
|----------------------------|-----------------------------------|
| For the Petitioner/s :     | Mr.Nilendu Kumar Choudhary, Adv,  |
| For the Opposite Party/s : | Mr.Choubey Jawahar, APP.          |
|                            | Mr. Bindeshwar Prasad Singh, Adv. |
|                            | Mr. Bipin Kumar, Adv.             |

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

4      11-07-2023      Heard the parties.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 419, 420, 467, 468 & 471/34 of the Indian Penal Code.

The prosecution story, in short, is that informant, namely, Abhay Kumar had purchased a plot bearing Plot No. 72 Khata No. 137, Area 10.78 Decimal through registered sale deed on 06.10.2018 after paying Rs. 35,07,000/- from Brahmdeo Prasad and came in possession of the same. It is further alleged that after some time, this petitioner started creating obstruction and, on query, he told that he was in possession of sale deed. Thereafter, when the informant enquired into the matter, he learnt that this petitioner has also got a Sale Deed No. 11830



dated 29.08.2022 in the name of his wife by impersonating him. The photo as well as finger impressions on the alleged sale deed are not of the informant.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The informant is full brother of the petitioner and as a matter of fact, he had purchased the land in question in the name of his brother Abhay Kumar. He had paid the entire amount before the registration of the sale deed. It is further submitted that the informant, with dishonest intention, was not ready to transfer the land in question in favour of the petitioner, but after negotiation, he agreed to transfer after receiving Rs. 30,00,000/-, accordingly, he transferred Rs. 28,00,000/- through bank accounts. Petitioner is neither the vendor nor the witness of the sale deed, therefore, no offence of impersonation, cheating or forgery is made out against the petitioner. Petitioner has three criminal antecedents as mentioned in para-3 of this application.

Per contra, learned APP for the State as well as learned



counsel for the informant vehemently opposing the bail petition submitted that the allegations levelled against the petitioner is serious in nature, hence he does not deserve anticipatory bail.

Considering the facts and circumstances of case and nature of the offence, as the petitioner committed forgery of paper, which caused loss to the informant, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

**(Anjani Kumar Sharan, J)**

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