

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28184 of 2023**

Arising Out of PS. Case No.-552 Year-2022 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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RAM CHANDRA YADAV SON OF LATE PRABHU YADAV RESIDENT
OF VILLAGE- SANJHAULI SONDABHAR, PS -ALAULI DISTRICT
KHAGARIA

... .. Petitioner/s

Versus

1. The State of Bihar
2. HARERAM YADAV SON OF NARAYAN YADAV RESIDENT OF
VILLAGE- THARUATOLA, ALAULI, PS- ALAULI, DITT- KHAGARIA
... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 24-08-2023 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the complainant.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 406 and
420 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.
4. The complainant alleges that he purchased 1 katha
3 dhurs of land as detailed in the complaint petition from Ram
Rajat Yadav on 05.05.1987 by a registered sale deed. The
complainant further alleges that on 22.02.2022, he came to
know that Ram Chandra Yadav (petitioner) sold 11½ dhurs of
land out of 1 katha 3 dhurs of land to Manju Devi by



committing forgery.

5. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is further submitted that petitioner is related to Ram Rajat Yadav through his mother. It is next submitted that even the mother of the petitioner had share in the property. It is also submitted that petitioner sold his share of the property. Learned counsel for the petitioner next relies on Annexure-2 to the anticipatory bail application, which is a genealogy table issued by the Surpanch to submit that he belongs to the family of Ram Ratan Yadav. It is further submitted that the complainant instead of instituting an FIR instituted the present complaint in which there is no scope of investigation at the outset rather the entire case hinges around the evidence brought by the complainant before the Court based on which cognizance has been taken. It is next submitted that even presuming what has been alleged is true without admitting then whether by sending the petitioner to jail, whether the land would revert back to the complainant or the complainant will have to file an application seeking cancellation of the sale deed before the court of competent jurisdiction. It is also submitted that if the complainant files an application seeking cancellation of the sale deed the petitioner will contest



the same.

6. Learned A.P.P. for the State and learned counsel for the complainant opposed the prayer for anticipatory bail of the petitioner but are not in a position to rebut the submission of the learned counsel for the petitioner that if any cancellation application is filed seeking cancellation of the sale deed and on contest the complainant loses in that event what happens.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Complaint Case No. 552(C) of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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