

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29931 of 2023

Arising Out of PS. Case No.-205 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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AJAY KUMAR Son of Late Ram Devan Singh Resident of Village - Rampur
Ismile, P.S.- Bihta, District - Patna. At present Village Sec - 3, Asiana Nagar,
P.S.- Rajeev Nagar, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ramanuj Singh Son of Ramdevan Singh Resident of Village - Rampur
Ismile, P.O.- Bahpura, P.S.- Bihta, District - Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav Mr. Ravi Prakash, Advocate
For the Opposite Party/s :		Mr. Ravindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-07-2023 1. Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case

registered for the offences punishable under Sections 420,

467, 468, 471, 120(B) and 506 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that

the petitioner has antecedent of one case in which he is on

bail, it is next submitted that petitioner and the O.P. No. 2

are own brothers.

4. The complainant alleges that the accused

persons were giving his land on *Batai* and accordingly he



went to the *Anchal* Office to inquire and came to know that based on forged partition deed, they have got his land mutated, further from partition deed, it appears that the stamp paper is of 2015 and the partition is of 2002.

5. Learned counsel for the petitioner submits that at the first blush, it appears that an offence of cheating has been committed, but then a mistake was committed by the petitioner and his brothers and the complainant taking advantage of the same has instituted the present false criminal case. It is further submitted that a partition in the year 2002 had taken place in the family in which the complainant was also a party, but then the same was not recorded in writing, it is further submitted that based on the partition which has taken place in 2002, the complainant also sold his land after 2015, it is next submitted that the brothers decided to record the oral partition conducted in 2002 in writing in 2015, accordingly stamp paper was purchased and the partition which had taken place in 2002 was penned down, but the petitioner and his brothers committed the mistake of putting the date of the year 2002 instead of 2015. It is next submitted that the mistake was a



bona fide mistake as the petitioner and his brothers thought that since the partition had already taken place in the year 2002, as such, the said date was recorded in the stamp paper which was purchased in the year 2015. It is further submitted that the dispute is purely civil and in the event if the complainant has any grievance, then he has remedies available in law. It is next submitted that Dinesh Prasad Singh who is also own brother of the complainant and is an accused in the present case was granted the privilege of anticipatory bail by order dated 21.07.2023 in Criminal Miscellaneous No. 29895 of 2023 by a learned Co-ordinate Bench.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

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 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) 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. 205 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Rishabh/-

(Satyavrat Verma, J)

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