

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51818 of 2023

Arising Out of PS. Case No.-348 Year-2022 Thana- ARA MUFFSIL District- Bhojpur

1. Vijay Singh @ Vijay Kumar Singh And Others Son Of Late Madhuvan Singh Resident Of Village Baluan, P.S. Ara Mufassil, District-Bhojpur
2. Akhilesh Singh @ Akhilesh Kumar Singh Son Of Sri Vijay Singh @ Vijay Kumar Singh Resident Of Village Baluan, P.S. Ara Mufassil, District-Bhojpur
3. Vimlesh Singh Son Of Sri Vijay Singh @ Vijay Kumar Singh Resident Of Village Baluan, P.S. Ara Mufassil, District-Bhojpur

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Harendra Prasad, A.P.P.
For the Informant	:	Mr. Vishwajeet Kr. Mishra, Advocate
		Mr. Aakash Chaudhary, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 07-12-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Ara (Muffasil) P.S Case No. 348 of 2022 dated 17.10.2022 registered for the offence punishable u/ss 406, 420, 467, 468, 471 read with 34 of the Indian Penal Code.

4. As per the prosecution case, the petitioners



along with accused persons under a conspiracy got the land bearing Mauza- Balaun, Thana No. 282 Khata No. 114 Khesra No. 253 area 0.20 decimals mutated in the name of late Madhuvan Singh. However, it has been alleged that Madhuvan Singh had died 40 years ago and even the seller and purchaser of Deed No. 3234 dated 14.06.2004 was not alive on that day. It is further alleged that the then Circle Officer, Revenue Officer and Circle Inspector under a conspiracy with the petitioners have misused their positions in order to obtain wrongful gain and to cause wrong loss to the informant in the name of the dead person by creating forged deed documents.

5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. It is further submitted that the land appertaining to Khata No. 114, Khesra No. 253, Area 0.20 decimals, Thana No. 282 in Mauza Baluan originally is ancestral land of the petitioners. It is further submitted that in the revisional survey 20 decimals of the said land was wrongly entered in the name of the Indradeo Singh. Learned counsel has further submitted that for rectifying the said mistake



Indradeo Singh executed registered sale deed of correction by which he accepted that wrongly 20 decimals of said land was recorded in his name and he has no concern with the said land and accordingly, he relinquished his right and executed registered Wajidawa on 01.11.1971 giving right title and possession to Madhuban Singh through registered deed no. 8264. Learned counsel has further submitted that the petitioners have got no concern with the registered sale deed no. 3234 dated 14.06.2004 nor they have any concern with the land mentioned in the said sale deed. It is further submitted that an explanation was sought vide letter no. 2825 dated 13.08.2022 by the Collector Office, Sadar, Ara from Anchal Adhikari, Sadar Ara and Anchal Adhikari submitted his report vide Memo No. 1313 dated 21.10.2022 stating that due to technical fault in online report Deed No. 3234 dated 14.06.2004 is being shown instead of Deed No. 8264. The petitioner no.1 has one criminal antecedent and petitioner nos. 2 and 3 have no criminal antecedent as stated in para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail of the petitioners.



7. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Bhojpur at Ara in connection with Ara (Muffasil) P.S. Case No. 348 of 2022, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

8. This application stands allowed.

(Chandra Prakash Singh, J)

Nilmani/-

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