

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51520 of 2022

Arising Out of PS. Case No.-250 Year-2021 Thana- GANDHIMAIDAN District- Patna

HIMANSHU SHEKHAR SINGH Son of Shri Madhav Prasad Singh
Presently residing at Flat No. 106, Nilambar Apartment, East Boring Canal
Road, Patna- 800001, Permanent Resident of Belan Bazar Toli, PO and PS-
Munger, Dist- Munger Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.R.K. Sharma, Sr.Adv. Mr. Ritu Raj Shukla, Adv. Mr. R.K. Shukla, Adv.
For the Opposite Party/s	:	Mr.Nirmal Kumar Sinha, APP. Mr. Gajendra Kumar Jha, Adv. Mr. Sushil Kumar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 20-02-2023 Heard the parties.

Learned counsel for the petitioner undertakes to remove
the defect (s), as pointed out by the office, within a period of
four weeks.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 420, 467, 468, 471,
120 & 34 of the Indian Penal Code.

Allegedly, all the accused persons, by committing forgery,
got the land registered on the name of Binod Singh and Mukesh
Kumar Singh upon the identification of one Nishant Kumar.

It is submitted by learned senior 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. There is admitted land dispute between the parties. There is inordinate and abnormal delay of eight months in filing the FIR without assigning any plausible and convincing reason for the said delay, which creates serious doubt about the prosecution case. He further submits that the petitioner is a government servant posted as Upper Division Clerk in the District Registration Office, Patna. He has no role in the registration of the land in question as alleged in the FIR. There is no material available in the case diary against the petitioner. Petitioner has one criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that petitioner has fraudulently managed to create forged sale deed of entire land of the informant. Learned counsel for the informant further submits that from the perusal of sale deed, it appears that although huge sum of 2.7047 Crore has been shown to be paid to the informant but there is no mention of the mode



of such all payments. He further submits that petitioner is named in the FIR.

Having regard to the facts and circumstances of the case and the allegation against the petitioner to involve in conspiracy to fraudulently get sale deed of entire land of informant registered in favour of co-accused persons without her will and also without paying consideration money, I am not inclined to enlarge the petitioner on anticipatory bail.

The prayer for anticipatory bail of the petitioner is hereby rejected.

However, if the petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order in accordance with law without being prejudiced by this order on the very date of surrender.

(Anjani Kumar Sharan, J)

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