

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54992 of 2023

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

SITARAM PRASAD Son of Rajo Mahto Resident of village - Jorarpur, P.S.-
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. Lalan Kumar, APP
For informant	:	Mr. B.P. Singh, Mr. Ashok Kumar, Advocates.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-08-2023 Heard Mr. Nilendu Kumar Choudhary, learned
counsel for the petitioner, Mr. B.P. Singh, learned counsel for
the informant and Mr. Lalan Kumar, learned Additional Public
Prosecutor for the State.

2. Petitioner apprehends his arrest in connection with
Bihar PS Case No. 987/2022 dated 13.12.2022 registered for the
offence punishable under Sections 419/420/467/468/471/34 of
the IPC.

3. As per First Information Report, the informant has
purchased a piece of land bearing plot no. 72, Khata No. 137,
Area 10.78 decimals through registered sale deed on 06.10.2018
for total consideration amount of Rs. 35,07,000/- from one
Brahmdeo Prasad and came in possession of the same. It has
further been alleged that after some time one Mintu Kumar



started creating obstruction in peaceful possession of the informant and upon inquiry Mintu Kumar said that the land in question has been purchased in the name of his wife vide sale-deed no. 11830 dated 29.08.2022. The informant has alleged that Mintu Kumar has got the sale-deed executed in favour of his wife after impersonating him. The present petitioner is one of the witnesses in the sale-deed dated 29.08.2022 purchased by the wife of Mintu Kumar.

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he is not the purchaser of the land in question which was purchased earlier by the informant from Brahmdeo Prasad. He further submits that at best the petitioner is one of the witnesses in the said sale-deed and was not knowing about the earlier purchase and title of the land in favour of the informant. Petitioner is not one of the beneficiaries of the sale made in favour of wife of Mintu Kumar.

5. On the other hand, learned counsel appearing for the informant vehemently opposes the prayer for anticipatory bail of the petitioner and submits that the petitioner after taking hefty sum from Mintu Kumar has signed as a witness in a forged sale-deed dated 29.08.2022. It is further



submitted that anticipatory bail application of the said Mintu Kumar has been denied by a Co-ordinate Bench of this Court in Cr. Misc. No. 17269/2023 *vide* order dated 11.07.2023. As such, the present petitioner also does not deserve the privilege of anticipatory bail.

6. Regards being had to the submissions made by the parties, taking into consideration the fact that the petitioner is not beneficiary of the sale-deed dated 29.08.2022 whereas he is one of the witnesses of the same, I am inclined to grant anticipatory bail to the petitioner.

7. Accordingly, let the petitioner, named above, in the event of arrest or surrender within six weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Naland at Biharsharif in connection with Bihar PS Case No. 987/2022, subject to the condition as laid down under Section 438(2) CrPC.

(Anil Kumar Sinha, J)

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