

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.54773 of 2023

Arising Out of PS. Case No.-1438 Year-2022 Thana- COMPLAINT CASE District- Banka

1. YOGENDRA YADAV S/o- CHINTAMAN YADAV Village- Bakuwamor Ps- Katoria Dist- Banka
2. Binod Yadav @ Binod Kumar Yadav son of Yogendra Yadav Village- Bakuwamor Ps- Katoria Dist- Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Churaman Yadav son of Late Sadhu Yadav Village- Bakuwamor Po- Kamdeodih Ps- Katoria Dist- banka

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Md. Nurul Hoda
For the State	:	Ms. Dr. Indihar Kumari
For the complainant	:	Mr. Dhananjay Kummar Pandey
		Mr. Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 2 30-08-2023
1. Heard learned Counsel for the petitioners, learned Counsel for the complainant and learned Additional Public Prosecutor for the State.
 2. This application, for grant of anticipatory bail, arises out of Complaint Case No. 1438 of 2022, in which cognizance has been taken for the offences punishable under Section 420/34 of the Indian Penal Code.
 3. The prosecution case, as per the complaint petition filed by the complainant, Churaman Yadav, is that the



petitioner no. 1 purchased a piece of land from the complainant, having an area of 266.5 decimals by way of two registered sale deeds on 24.03.2022 for a consideration amount of Rs. 16 lakhs. It has been alleged that the petitioner no. 1 and others have got the registered sale deeds executed without paying the consideration amount after alluring the complainant.

4. Learned Counsel for the petitioner submits that the petitioner no. 1 is a bona fide purchaser of a piece of land from the complainant for a valuable consideration of Rs. 16 lakhs. He further submits that the petitioner no. 2 is the son of petitioner no. 1 and he has falsely been implicated along with other family members. He further submits that after execution of the sale deeds, the brother of the complainant has file a title suit, bearing Title Suit No. 159 of 2022, in which the petitioners and others have been made defendants, seeking declaration of title upon the purchased land.
5. On the other hand, learned Counsel for the complainant vehemently opposes the prayer for bail and submits that the petitioners, along with other co-accused persons, in the name of preparing adhar card of the complainant,



have got the two sale deeds executed for the lands belonging to the complainant, having an area of 266.5 decimals without payment of consideration money. He further submits that the mode of payment of consideration money has not been described in the sale deeds and the petitioners have also failed to disclose the mode of payment of consideration money to the complainant.

6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that the sale deeds have been executed and registered before the Registrar, in which the consideration money is already mentioned and a title suit has also been filed by the brother of the complainant, I am inclined to grant the petitioners privilege of anticipatory bail.
7. This application is, accordingly, allowed.
8. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Banka, in connection with Complaint Case No. 1438 of



2022.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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