

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9332 of 2024

Arising Out of PS. Case No.-668 Year-2023 Thana- SAHARSA SADAR District- Saharsa

1. Ganesh Singh @ Ganesh Prasad Singh Son of Late Ramdev Singh Resident of Dhamsainee, Ward No.- 08, P.S. and District - Saharsa, Bihar - 850002.
2. Rajesh Kumar Raman Son of Surendra Jha Resident of A.T. Naya Bazar, Ward No.- 03, Kahara, P.S. and District - Saharsa, Bihar - 852201.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Saharsa Sadar P.S. Case No. 668 of 2023 dated 23.09.2023, instituted for the offence punishable under Sections 406, 420, 467, 468 and 471 of the Indian Penal Code.

3. The allegation against the petitioners is of getting transferred the piece of land of the informant by impersonating one Ajay Mishra.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that petitioner no. 1 is the purchaser



from Ajay Mishra who sold the land to the petitioner no.1 and petitioner no. 2 is the witness to the sale deed dated 16.09.2023. As per the F.I.R., the allegation against Ajay Mishra, who is claimed to be son of Ratneshwar Mishra. It is submitted that petitioners are also victim of the circumstances. It is further submitted that Ratneshwar Mishra had two wives, Premlata Devi and Veena Mishra. Ajay Mishra is son from the first wife Premlata Devi and informant is son of Veena Mishra from second wife. It is submitted that a divorce case was filed which was ultimately decreed on 29.08.1988 between Ratneshwar Mishra and Premlata Devi. Learned counsel for the petitioners submits that Ajay Mishra has also right in the property left by Ratneshwar Mishra. The petitioners are bona fide purchaser for valuable consideration. Lastly, it has been submitted that they have no criminal antecedents.

5. On the other hand learned counsel for the informant vehemently opposed the prayer for anticipatory bail. It is submitted that the said Ajay Mishra who is the vendor of the sale deed under wrong Pan Card and Aadhar Card mentioned in the sale deed and executed the sale deed. Ajay Kumar Mishra has no right to sell the said property. It is also submitted that Gopal Bharti is only heir of Ratneshwar Mishra, therefore, he



illegally sold the property of the informant.

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

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners in connection Saharsa Sadar P.S. Case No. 668 of 2023, they shall be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa, subject to condition as laid down under Section 438(2) of the Cr.P.C..

(Khatim Reza, J)

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