

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19450 of 2024

Arising Out of PS. Case No.-626 Year-2023 Thana- RUPASPUR District- Patna

SHAILESH KUMAR Son of Late Barfi Prasad Resident of Mohalla-
Mainpura, Kharanja Road, P.S.-Danapur, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. MITHILESH KUMAR, IFS (Retd.) Father name not given PCCF, Bihar,
Address - Sahastradhara Road, Dehradun-248001.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Neerad Parashar Mr. Saurav Barial Mr. Ankit Kr. Thakur
For the Opposite Party/s	:	Mr. Pramod Kumar Pandey Mr. Chandra Bhushan Prasad
For the Informant	:	Mr. Shyameshwar Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 6 30-09-2024 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and the learned counsel appearing on behalf
of the informant.
2. The petitioner apprehends his arrest in connection
with Rupaspur P.S. Case No. 626 of 2023 registered for the
offences punishable under Sections 420, 467, 468, 471, 506,
386, 387 and 34 of the Indian Penal Code.
3. A detailed order was recorded on 06.05.2024.
4. Today, when the matter was taken up, both sides
argued at length.
5. The learned counsel appearing on behalf of the



informant submits that the land in question was purchased by Ajit from a co-operative society namely Chaudhary *Sahkari Grih Nirman Samiti* Limited, Raza Bazar, Patna (hereinafter referred to as 'Co-operative Society'). It is further submitted that Ajit has original document of the sale deed executed in his favour by the aforesaid co-operative society. It is next submitted that Ajit never entered into any agreement with anyone with regard to sale of the disputed land in question. It is next submitted that petitioner is purchaser of the land by a registered sale deed executed by Ajit on which mother-in-law of the present informant who is brother of Ajit is a witness. It is further submitted that the photograph on the sale deed executed in favour of the petitioner is neither of Ajit nor of mother-in-law of the informant namely Madhvi. It is next submitted that Madhvi died in the year 2015 and the sale deed came to be executed in the year 2021, as such, by no stretch of imagination, it can be construed that photograph of Madhvi could have been on the sale deed in question. It is further submitted that since the price of the land in Patna has skyrocketed, as such, land grabbers are indulging in such activities with impunity.

6. The learned counsel appearing on behalf of the



petitioner submits that petitioner is an innocent purchaser and even presuming what has been alleged is true without admitting in the FIR, then it cannot be alleged that petitioner, in any manner, was involved in the occurrence. It is further submitted that had the petitioner been involved in the occurrence then definitely he would not have allowed Madhvi to become a witness on the sale deed knowing that she has died, it is thus submitted that this amply demonstrates that petitioner was completely unaware that as to whether the person who became a witness on the sale deed was Madhvi or not. It is next asserted and submitted that petitioner purchased the land in question from Ajit and the photograph on the sale deed is of Ajit. It is also submitted that he has the original copy of the sale deed which was executed in his favour by Ajit.

7. The learned counsel appearing on behalf of the O.P. No. 2 submits that the original document of the land in question is with Ajit.

8. The learned APP for the State, Mr. Chandra Bhushan Prasad, based on instruction submits that the police in order to investigate the case had gone to Delhi to record the statement of Ajit, but since his health condition was feeble as such he was not in a position to speak and the said fact also stands recorded



at Para-293 of the case diary. It is next submitted that the wife of Ajit informed the police that Ajit never entered into any agreement for sale with respect to the land in dispute. The learned APP further submits that since no coercive action has been granted in favour of the petitioner, as such, the police is not in a position to investigate the case in its correct perspective. It is also submitted that thrice petitioner was given an opportunity to furnish the original documents under Section 91 Cr.P.C., but then the same was never handed over to the police as stands recorded at Paras, 202, 250 and 272 of the case diary.

9. Considering the submissions made by the learned counsel for the parties, a fact which stands admitted and not disputed by any of the party is that Madhvi died in the year 2015, as such, she could not have been a witness on the sale deed which was executed in the year 2021.

10. As recorded hereinabove, the price of the land in Bihar and especially in Patna has skyrocketed, as such, land grabbers are indulging in such activities with impunity especially with regard to those land, where the land owners are not residing in Bihar or Patna, further whether the photographs of Ajit and Madhvi on the sale deed is genuine or forged is an



aspect of investigation, further the role of the co-operative society is also required to be investigated as it has been submitted by the learned counsel appearing on behalf of the informant that the aforesaid co-operative society does not have the original documents of the land in question, which the co-operative society had sold in favour of Ajit when the co-operative ought to have had the said document in its possession.

11. Considering the submissions made by the learned counsel appearing on behalf of the informant, the learned APP for the State and taking into consideration the fact that the photographs of Ajit and Madhvi, on the sale deed executed in favour of the petitioner, is not of Ajit and Madhvi, as such, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

12. Accordingly, the instant anticipatory bail application is rejected.

(Satyavrat Verma, J)

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