

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25581 of 2023**

Arising Out of PS. Case No.-2040 Year-2019 Thana- PATNA COMPLAINT CASE District-  
Patna

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Upendra Kumar, S/O Late Sita Prasad Resident Of Village- Lala Bigha, P. O-  
Mandach, P.S- Telhara, Distt.- Nalanda.

... .. Petitioner/S

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

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with

**CRIMINAL MISCELLANEOUS No. 39617 of 2023**

Arising Out of PS. Case No.-2040 Year-2019 Thana- PATNA COMPLAINT CASE District-  
Patna

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Himanshu Prasad, S/O Late Rajnandan Prasad R/O Vilage- Baharampur, P.S-  
Dhanarua, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bhago Devi, W/O Kapil Deo Prasad R/O Village- Ufarpura Gumati Par,  
Rastriya Ganj, P.O- Dhanaut, P.S- Phulwarisharif, Patna, Bihar.

... .. Opposite Party/s

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**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 25581 of 2023)

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| For the Petitioner/s :     | Ms.Soni Kumari          |
| For the Opposite Party/s : | Mr.Ram Bilash Roy Raman |
|                            | Mr.Satish Chandra       |
|                            | Ms.Priti Singh          |
|                            | Mr.Vivek Raj            |

(In CRIMINAL MISCELLANEOUS No. 39617 of 2023)

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| For the Petitioner/s :     | Mr.Dhirendra Kumar Sinha |
| For the Opposite Party/s : | Ms.Rina Sinha            |

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

4      01-04-2024      **CRIMINAL MISCELLANEOUS No.25581 of 2023**

1. Heard learned counsel for the petitioner, learned  
counsel for the opposite party no.2 and learned APP for the



State.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 120(B), 420, 406, 467, 468, 471 and 34 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that Kapil Devi Prasad had a daughter from his first marriage and petitioner is son in-law of Kapil Dev Prasad and opposite party no.2 is second wife of Kapil Dev Prasad. It is thus submitted that opposite party no.2, herein, is step mother in-law of the petitioner. It is further submitted that opposite party no.2 alleges that petitioner fraudulently got 01 kattha of land executed in his favour by the opposite party no.2 through a registered sale deed without paying the consideration amount of Rs.30 Lacs. It is next submitted that even presuming what has been alleged is true without admitting, then the opposite party no.2 in law has a remedy of getting the sale deed cancelled by a Court of competent jurisdiction, in the event, if the sale deed has been executed without paying the consideration amount. It is also submitted that till date the sale deed is not cancelled, the presumption will lie in favour of the petitioner that he got it validly executed. It is also submitted that Title Suit No.428 of



2019 has been filed in the Court of the learned Sub-Judge-1, Danapur, Patna for cancellation of the sale deed by the opposite party no.2.

4. The learned counsel appearing on behalf of the opposite party no.2 submits that it is the case of the opposite party no.2 that she has never executed the sale deed in question and the petitioner resorting to forgery got the sale deed executed in his favour. It is also submitted that it appears that the petitioner got the sale deed executed by someone impersonating the opposite party no.2. It is further submitted that opposite party no.2 never visited the Registry Office on the date when the sale deed is alleged to have been executed. It is further submitted that petitioner has not brought anything on record to even remotely suggest that he had the capacity to pay Rs.30 Lacs to the opposite party no.2 in lieu of the land, which he alleges to have purchased from the opposite party no.2.

5. The learned counsel for the petitioner submits that the said submissions can be raised before an appropriate forum where Title Suit No.428 of 2019 is pending.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below



within a period of six weeks, is directed to be released on anticipatory bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Miss Sanam Hayat, the learned Judicial Magistrate, 1<sup>st</sup> Class, Danapur, Patna in connection with Complaint Case No.2040(C) of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

**CRIMINAL MISCELLANEOUS No. 39617 of 2023**

1. Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 120(B), 420, 406, 467, 468, 471 and 34 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that Upendra Kumar has been granted the privilege of anticipatory bail by an order dated 01.04.2024 in Cr. Misc. No.25581 of 2023. It is next submitted that Upendra Kumar is alleged to be the purchaser of the land in question from the complainant. It is also submitted that Upendra Kumar is step son in-law of the complainant. It is thus submitted that when



Upendra Kumar has been granted the privilege of anticipatory bail, the case of this petitioner is on a better footing as he is alleged to be a witness on the sale deed.

4. Learned A.P.P. opposes the bail application.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Miss Sanam Hayat, the learned Judicial Magistrate, 1<sup>st</sup> Class, Danapur, Patna in connection with Complaint Case No.2040(C) of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

6. The application stands allowed.

**(Satyavrat Verma, J)**

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