

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21572 of 2023

Arising Out of PS. Case No.-552 Year-2021 Thana- SIRDALA District- Nawada

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KAILASH PRASAD S/O LATE ROHAN PRASAD R/O Village- Dhiraundh,
Tola Nababganj, P.S- Sirdala, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Birendra Kumar
For the Opposite Party/s	:	Mr. Abhay Kumar Roy
For the Informant	:	Ms. Soni Srivastava
		Mr. Saket Tiwary
		Mr. Animesh Gupta

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

8 19-01-2024 Heard learned counsel for the petitioner, learned

counsel for the informant as well as learned Additional Public

Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Sirdala P.S. Case No.552 of 2021, registered for the
offence punishable under Sections 420, 467, 468, 471, 34 of the
Indian Penal Code.

3. The prosecution case is that, a land pertaining to New
Khata No.41 and 227 belongs to the informant's family. A New
Khatian was created in the name of her aunt and she is the
care taker of all lands. The petitioner is said to have executed a
fabricated sale deed in favour of one Jay Ram Prasad vide sale



deed no.5358/2021. Informant further stated that the aforesaid land is of her family and the petitioner has no concern with the alleged property.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. He submits that there is an admitted land dispute between the parties because petitioner executed a registered sale deed no.5358 of 2021 dated 14.09.2021 and that land pertaining to the Khata No.227, Plot No.2631 and Khata No.41, Plot No.2630 came in his specific share through Khangi Partition and there was no forgery and fabrication done by him. The father of the petitioner had purchased the said disputed land from one Chaudhary Mahbood Hasan through Khista sale deed on 06.10.1951 and thereafter the said land came in his possession. The petitioner occupied his land in the family partition. Petitioner has no criminal antecedent, which is also mentioned in para-3 of the bail application.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail. It is submitted by learned counsel for the petitioner that the land in question belongs to the informant and it is also clear that



mutation was not done in the name of the petitioner. A detailed counter-affidavit is filed on behalf of the informant in which it is stated that the petitioner and other co-accused persons created a forged sale deed in connivance with one another by forging signature of Qamar Laqa Begum, mother of the informant. It is further submitted that the petitioner and his family members purchased and sold the informant's land through forgery, the informant filed a mutation case before the learned Court of Land Reforms Deputy Collector, Rajauli, Nawada for setting aside the mutation. Further, the petitioner's mutation application no.881/2021-2022 was set aside on October 23, 2021 indicating that the documents/sale deed was forged.

6. Having regard to the facts and circumstances of the case as well as considering that though it is a case of civil dispute between the parties but it is also clear that the land in question is not mutated in the name of the petitioner, therefore, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. This application is, accordingly, dismissed.

8. However, if the petitioner surrenders before the learned Court below within a period of six weeks from today



and seek for regular bail, the learned Court below shall pass
the order on the same day in accordance with law.

(Anjani Kumar Sharan, J)

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