

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31002 of 2024

Arising Out of PS. Case No.-837 Year-2023 Thana- AGAMKUAN District- Patna

Suraj Kumar Son Of Late Ashok Kumar Yadav Resident Of Village-
Daudbiga, PS- Agamkuan, Dist- Patna

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Brajendra Kumar Son Of Late Mithilesh Sharma Resident Of Village-
Mahamadpur, Po- Mednipur, Ps- Kurtha, Dist- Arwal

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Jha, Adv.
For the Opposite Party/s	:	Mr. Rajiv Nayan, APP
For the O.P. No. 2	:	Mr. Jainandra Kumar, Adv.
		Ms. Shivangi, Adv.
		Mr. Dheeraj Kumar Roy, Adv.
		Mr. Pranav Kumar Rai, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

8 22-07-2024 Heard learned counsel for the petitioner, learned

A.P.P. for the State and learned counsel for the Opposite Party

No. 2.

2. The petitioner apprehends his arrest in connection with

Agamkuan P.S. Case No. 837 of 2023 registered under Sections

406 and 420 of the Indian Penal Code.

3. As per the prosecution case, the informant, Brajendra

Kumar, was in search of a piece of land and came in contact

with this petitioner, who disclosed that there is a piece of land

pertaining to Khata No. 300, Plot No. 486, measuring 3800 sq.

ft., which was purchased by the father of this petitioner through



a sale deed dated 13.12.1996. After the death of his father, rent is being paid by his brother Karan Kumar. It is further alleged that the informant was called for, and he went to the house of the petitioner, where he met Karan Kumar and the wife of this petitioner. On 3.7.2022, such land was physically verified by the informant and measurements were also taken and the informant became ready to purchase the same. In the meantime, the informant began to start filling the land with soil and bricks were taken for walls. On 01.06.2023, two women, namely Smt. Veena Jha and Sneha Jha, came with a few persons and told the informant that they are the owner of the land in question and showed papers of land registered in the year 1987 and Khata no. 303, Plot no. 481. Thereafter, the informant knew about the land that the petitioner, his brother and his wife had shown the lands of other persons. On conspiracy in the agreement, the same boundary description was written as Plot No. 481 in place of Plot No. 486. Thus, all three accused persons prepared an agreement with a forged description of the lands and cheated Rs. 2 Crore 30 Lacs.

4. Submission of learned counsel for the petitioner is that after preparation of cancellation deed, this petitioner paid Rs. 50 Lacs on 28.6.2023, Rs. 25 Lacs on 30.06.2023, Rs. 15 Lacs on



1.7.2023, Rs. 25 Lacs on 4.7.2023, Rs. 35 Lacs on 7.7.2023, and Rs. 25 Lacs on 16.7.2023; thus, a total of Rs. 1,75,00,000/- (one crore seventy-five lacs) was received by the informant and in token whereof given receipts to that effect on the back page of the deed of cancellation dated 28.6.2023 (Annexure-P/4). It is submitted that before execution of cancellation deed dated 28.06.2023, on request, petitioner had given Rs. 10 Lacs through Cheque No. 141173 dated 21.06.2023 and Rs. 11 Lacs through R.T.G.S. for which the informant gave receipt on copy of Aadhaar Card by putting his signature on revenue stamp (Annexure-P/5). It is next submitted that it appears from Annexure-P/4 and P/5 series, petitioner has already given Rs. 1 Crore 96 Lacs out of Rs. 2 Crore 10 Lacs as per cancellation deed and rest amount of Rs. 14 Lacs is due. Learned counsel for the petitioner placed reliance upon in the judgment of Hon'ble Supreme Court dated 16.01.2023 passed in **Special Leave Petition (CRL.) Nos. 834-835 of 2023** and submits that it is the case of civil dispute and criminal proceedings have been filed only by way of money recovery proceedings.

5. Learned A.P.P. appearing on behalf of the State and learned counsel for the Opposite Party No. 2 vehemently opposed the prayer for bail by contending that petitioner in



connivance with his wife and brother has taken total amount of Rs. 2 Crore and 30 Lacs from the informant in lieu of sale of a land, which he claims as his land for which petitioner has executed an agreement for sale by giving false description of the boundaries of the land in the agreement for sale with a view to represent the land as his land, however, the said land was not his land. It is further contended that petitioner has annexed the said false and fabricated documents as Annexure-P/5 to the bail petition and, thereby, the petitioner tried to mislead this Hon'ble Court also with a view to obtain a favourable order. Thus, the petitioner seeks bail by putting false and fabricated documents before this Court and, hence, he does not deserve the privilege of anticipatory bail.

6. Considering the materials available on record, rival submissions advanced on behalf of the parties and the documents which have been filed on behalf of the petitioner do not inspire confidence and appear to be forged and, as such, prayer for anticipatory bail of the petitioner is rejected.

(Prabhat Kumar Singh, J)

utkarsh/-

U		T	
---	--	---	--

