

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33728 of 2024

Arising Out of PS. Case No.-873 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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Manoj Kumar Chaudhary SON OF LATE SURESHWAR PRASAD R/O
MOHALLA- AMLAPATTI, P.S. - MOTIHARI (T), DIST- EAST
CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ansul, Advocate
		Mr. Anuj Kumar, Advocate
For the Opposite Party/s :		Mr. Kalyan Shankar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 01-10-2024 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of
the informant.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 420, 467,
468, 471, 504 and 506/34 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that
petitioner has antecedent of two cases.
4. The informant alleges that he has property in his
name as well as in the name of his father at Mauza Saidnagar
and the lands are their purchased lands. Further, in Mauza
Hariyan Chapra, the lands are in the name of his cousin Ajit
Kumar Chaudhary and Ajit has given power of attorney in the



name of the informant on 08.04.2022 with regard to his property which is his purchased land. It is next alleged that Manoj Kumar Choudhary (petitioner) sold the lands of the informant and his father along with the lands of Ajit with regard to which power of attorney was executed in the name of the informant to Neeraj Singh by executing several sale deeds within 14-15 days. Further, Neeraj Singh is a land mafia. It is alleged that neither Manoj Kumar Chaudhary nor Neeraj Singh has any title over the lands in question. Further, alleges that Neeraj Singh in last few years had made fake transactions of crores of rupees. Further, on instigation of Manoj Kumar Chaudhary (petitioner), accused Neeraj Singh threatened to kill the informant and his son.

5. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the informant alleges that petitioner, despite having no title over the property, sold the same in favour of Neeraj Singh by executing several sale deeds. It is next submitted that in the FIR, though it has been stated that petitioner is son of Sureshwar Choudhary but then the relationship has not been made clear. It is also



submitted that the same had been done with an intention to conceal the relationship of the petitioner with the informant. It is further submitted that tenor of the allegation is such that it appears that the petitioner, despite having no title over the land in question, sold the same in favour of Neeraj Singh. Learned counsel next submits that one Mukhram Chaudhary had three sons, namely, Ramgadhan Chaudhary, Shravan Chaudhary and Hazari Chaudhary. It is also submitted that Hazari died issueless and Shravan had two sons, namely, Maheshwar Prasad Chaudhary and Sureshwar Prasad Chaudahry. Maheshwar had two sons, namely, Shailendar Kumar Chaudhary (informant) and Ashok Kumar Chaudhary while Sureshwar also had two sons, namely, Ajit Kumar Chaudhary and Manoj Kumar Chaudhary (petitioner). It is further submitted that from the genealogical table as pleaded at para 8 of the anticipatory bail application, it would manifest that informant is own brother of Ajit. It is next submitted that Ashok and Ajit have settled abroad and Ajit had given his share of property to his brother Manoj. It is also submitted that in 2015 a family partition took place amongst the legal heirs of Maheshwar and Sureshwar through a family arrangement but informant tried to grab the property in share of the petitioner which led the petitioner to file Title Suit No. 778



of 2023 which is pending adjudication in the Court of learned Additional Judge-1, Motihari. It is further submitted that Shailendar Kumar Chaudhary (informant) sold various landed properties in the name of Ajit to various purchasers through sale deeds as would manifest from Annexure-3 to the anticipatory bail application. It is next submitted that informant has filed Title Suit No. 484 of 2023 (in which Neeraj and Anr. are defendants), Title Suit No. 525 of 2023 (in which Neeraj and Anr. are defendants) and Title Suit No. 584 of 2023 (in which Binita wife of petitioner and Anr. are defendants). Learned counsel for the petitioner thus submits that it is not in dispute that petitioner is own brother of Ajit and cousin of the informant but then the FIR came to be instituted with an allegation that petitioner despite having no title over the land in question sold the same in favour of Neeraj who is a land mafia. It is further submitted that the dispute is purely civil to which a criminal colour has been given. It is next submitted that informant has filed the aforesaid title suits in which the petitioner along with others are defendants. It is also submitted that if the title suits are decided against the informant whether it would be prudent for the Court to send the petitioner to jail at this stage.

6. Learned counsel appearing on behalf of the



informant submits that Neeraj is a land mafia and he in connivance with Manoj got the land of the informant and Ajit sold in his favour through sale deeds. It is further submitted that Neeraj is such a powerful land mafia that informant was not able to institute an FIR and for the said purpose he had to approach this Court by filing a civil writ and it was only after intervention of the Court that the instant FIR came to be instituted.

7. Learned counsel appearing on behalf of the petitioner rebuts the said submissions of the learned counsel appearing on behalf of the informant and submits that whether Neeraj is a land mafia or he in connivance with Manoj got the sale deeds executed in his favour with respect to the land or not can well be adjudicated in the aforesaid title suits filed by the informant. It is further submitted at the cost of repetition that even petitioner has filed a Title Suit No. 778 of 2023 which is pending adjudication. It is next submitted that learned counsel appearing on behalf of the informant is not in a position to rebut the submission that petitioner is own brother of Ajit and whether the property was given to petitioner by Ajit or a power of attorney was executed in favour of the informant by Ajit are disputed facts which can only be adjudicated in the aforesaid



title suits.

8. Learned A.P.P. for the State is present.

9. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Motihari Mufassil P.S. Case No. 873 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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