

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37949 of 2024

Arising Out of PS. Case No.-20 Year-2023 Thana- AKHODHIGOLA District- Rohtas

Sunil Kumar Singh, Son of Late Kameshwar Singh, Resident of Village -
Brahaman Tola, Chhapra, P.S. - Akorhigola, District - Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Babu Nandan Prasad, Advocate
For the Opposite Party/s	:	Mr.Anil Kumar Singh No. 1, APP
For the Informant	:	Mr. Mithilesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

4 20-09-2024 Heard Mr. Babu Nandan Prasad, learned Advocate for

the petitioner and the learned Additional Public Prosecutor for the

State. The informant is represented through Mr. Mithilesh Kumar

Singh, learned Advocate.

2. The application for grant of bail to the petitioner, who
is in custody in connection with Akorhigola P.S. Case No. 20 of
2023 registered for the offences punishable under Sections 420,
504 and 506 of the Indian Penal Code.

3. Based upon the written report, the prosecution alleges
that the informant purchased a piece of land from co-accused
Suresh Singh and his two sons, namely, Umesh Singh and Anil
Singh through a registered Sale Deed No. 149 dated 11.01.2022.
However, this petitioner being a broker by committing forgery got
the land transferred by another person by impersonating him as a
land owner and fraudulently usurped Rs. 15,00,000/- from the



informant. It is further alleged that the petitioner falsely stated that he delivered Rs. 12,60,000/- to the elder son of land owner, namely, Umesh Singh.

4. Learned Advocate for the petitioner contended that admittedly the petitioner has played a role of broker and the real owner of the land in question is said to be Suresh Singh and his two sons. Though, the allegation has been levelled that the petitioner has received the amount to the tune of Rs. 15,00,000/- but the fact is otherwise that after receipt of the money, the same has been handed over to the real owner of the land. It is next contended that even if the allegation taken to be true, it appears to be predominantly civil in nature. Neither the petitioner is the witness to the sale deed nor he has anyhow instrumental in causing fraud to the informant. So far the land owners are concerned, they have been accorded anticipatory bail by this Court vide order dated 09.11.2023 in Cr. Misc. No. 70650 of 2023. Now, the petitioner has been incarcerated since 19.12.2023 and the investigation of the trial is complete.

5. On the other hand, learned Advocate for the State as well as the informant vehemently opposed the bail application of the petitioner and submit that a huge amount of Rs. 15,00,000/- has been transferred in the account of the petitioner and he by making impersonation got executed the sale deed through a



different person, who was not even the owner of the land in question. It is also alleged that the complicity of the petitioner cannot be denied as he was the signatory and executed agreement to sale in favour of the informant. It is also contended that the petitioner bears two criminal antecedent of identical nature which suggests that he is involved in identical nature of crime.

6. Regard being had to the submissions made on behalf of the parties and considering the specific nature of accusation and the fact that the money has been transferred to the account of the petitioner however, the petitioner is not in a position to explain that from the account of the petitioner as to whether the money has been given to the land owners or not? In view thereof, this court is not acceded to the prayer of the petitioner and accordingly, the prayer for bail of the petitioner stands rejected.

8. The petitioner shall be at liberty to renew his prayer for bail after framing of the charge.

(Harish Kumar, J)

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