

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37845 of 2024

Arising Out of PS. Case No.-250 Year-2021 Thana- GANDHIMAIDAN District- Patna

1. Amit Kumar S/O Sri Sudhir Kumar R/O Village-Suitha Ward No, 12, P.S. Parsa Bazar, Distt- Patna
2. Nishant Kumar S/O Shree Shailendra Kumar R/O Village-Suitha, P.S. Parsa Bazar, Distt- Patna

... .. Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr.Suman Kumar Jha, Advocate

For the Opposite Party/s : Mr.Umeshanand Pandit, A.P.P.

Mr. Manaur Alam, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 29-11-2024 Heard learned counsel for the petitioners, the State and the informant.

2. Petitioners apprehend arrest in a case registered for the offence under Sections 420, 467, 468, 471, 120, 34 of the Indian Penal Code.

4. As per the prosecution case, the informant Indu Devi entered into an agreement with one Sudhir Kumar @ Veera for sale of 11 decimal of her ancestral land at the rate of Rs. 5 lacs per kattha and it is alleged that said Sudhir Kumar @ Veera gave Rs. 6 lacs to the informant and asked her to execute sale deed for only 4.6875 decimal of the aforesaid land in favour of co-accused Mukesh Kumar and Binod Singh assuring her to give Rs. 1.5 lacs at the time of registration of land. It is further alleged that at the time of registration in the registry office, the informant came to know that in place of plot no. 561, in the sale-deed, plot no. 581 was mentioned, but on the assurance of accused persons that it will be corrected, the informant gave her thumb impression and photograph on the sale-deed without



receiving rest sum of Rs. 1.5 lacs from the accused persons. Then, informant was told that registration of the land could not be possible on that day. Subsequently, on 13.03.2021, the informant came to know that the accused persons in connivance with Registrar and other staffs of the registry office have fraudulently got sale deed of her entire land i.e. 112.75 decimals, having value of Rs. 2,07,47,000/- including the land of plot no. 561 was registered in favour of co-accused Mukesh Kumar and Binod Singh.

5. It is submitted on behalf of petitioners that petitioners are villagers of the informant and are merely witness to the sale and they are neither vendor nor vendee of the alleged land. F.I.R. has been lodged after inordinate delay of more than four months without any explanation which renders the entire prosecution case doubtful. It is further submitted that the informant has also filed Title Suit No. 179/2021 to cancel the sale deed dated 16.12.2020 in which the informant who is plaintiff in said title suit filed injunction petition to restrain purchasers of the land from alienating, transferring and encumbering the suit land which was rejected by the Sub Judge XIV, Patna vide order dated 30.9.2022. Learned counsel submits that the dispute is purely of civil nature. Co-accused, with similar allegation, have already been allowed pre-arrest bail by this Court vide orders passed in Cr.Mis.No. 56699/2022 & 53650/2022.

6. Learned A.P.P. for the State and learned counsel for the informant vehemently opposed the bail petition.

7. Considering the aforesaid facts and circumstances, let both these petitioners, mentioned above, in the event of their arrest/surrender within a period of eight weeks from today, be



enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Patna in connection with Gandhi Maidan P.S. Case No. 250 of 2021, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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