

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41380 of 2024

Arising Out of PS. Case No.-31 Year-2024 Thana- GANDHIMAIDAN District- Patna

Nandan Kumar, Son of Late Anand Kumar Sharma, Resident of Chhote Nawada, Baikatpur, P.S.- Khusrupur, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Y. V. Giri- Sr. Advocate
Mr. Arjun Kumar
For the Opposite Party/s : Mr. Md. Aslam Ansari- A.P.P.
Ms. Durga Kumari
Mr. Pramod Rajpati

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 09-08-2024 1. Heard learned senior counsel for the petitioner, the learned counsel appearing on behalf of the informant and learned APP for the State.
2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 467, 468, 471, 379, 420, 406 and 120(B) of the Indian Penal Code.
3. The learned senior counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that he along with his brother Rajesh Prasad entered into an agreement for sale with Rakesh Kumar alias Vinayak on 21.02.2022 for selling 12 katthas of land



pertaining to Khata No.96, Khesra No.31. Further, Vinayak introduced the informant to the petitioner and said that the land would be registered in the name of the petitioner. Further, petitioner called the informant and his brother to the Registry Office on 19.12.2022 and got the sale deed prepared in haste. Further, the sale deed was to be executed by the informant and his brother along with other co-sharers, who were not present in the Registry Office, but the petitioner showing urgency got the sale deed signed by the informant and his brother only and got their photographs clicked and asked the informant to bring all the co-sharers on 20.12.2022 for signing the sale deed, but when the informant reached the Registry Office on 20.12.2022, he came to know that sale deed has already been executed in connivance with the officials of the Registry and further alleges that petitioner sent a copy of the sale deed on whatsapp of his nephew and from perusal of the same, it manifests that the land for which the agreement for sale was entered, was sold, but later came to know that a fraudulent sale deed was sent on whatsapp whereas in the sale deed executed on 19.12.2022, even the land pertaining to Khata No.41, Khesra No.213 were also shown to be sold for which no agreement for sale was entered. Further, from perusal of the sale deed sent on the whatsapp of the



nephew of the informant, it also transpired that some pages were manipulated.

4. The learned senior counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that the dispute is purely civil to which a criminal colour has been given. It is also submitted that the informant and his brother after taking the entire consideration, executed the sale deed and later by way of after thought, instituted the instant F.I.R. with an allegation that there were other co-sharers, who were also required to sign the sale deed. It is also submitted now that the sale has been complete and in the event, if the informant is aggrieved by execution of the sale deed on any ground, in that event, he has a remedy of approaching a Court of competent civil jurisdiction for getting the sale deed cancelled.

5. The learned counsel appearing on behalf of the informant as well as the Learned A.P.P. submits that the case is not as simple as it has been made out to be. It is also submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that tampering with the sale deed is also alleged which was sent on the whatsapp of the nephew of the informant. It is next submitted that the price of the land in the State of



Bihar has sky rocketed, as such, the land grabber are indulging in such activities. It is also submitted that investigation of the case in its nascent stages and in the event, if the privilege of anticipatory bail is granted to the petitioner, in that event, the petitioner may abscond or try to tamper with the evidence, on which the learned senior counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will cooperate in the investigation.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Patna in connection with Gandhi Maidan P. S. Case No.31 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C. with a condition that one of the bailors of the petitioner shall be his wife Moni Kumari.

7. The application stands allowed.

8. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the



learned trial Court bringing to its notice that petitioner, despite giving assurance to this Court, is not cooperating in the investigation or is not presenting himself as and when required, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

9. Further, it is made clear that in the event, if charge-sheet is filed connecting the petitioner with the offence in that event, the present anticipatory bail order shall loose its effect.

10. Let a copy of this order be sent to the concerned Police Station through the learned trial Court.

(Satyavrat Verma, J)

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