

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41667 of 2024

Arising Out of PS. Case No.-987 Year-2022 Thana- BIHAR District- Nalanda

Mintu Kumar SON OF Late Ajit Prasad RESIDENT OF VILLAGE
-LAKHRAWAN POLICE STATION -DEEPNAGAR DISTRICT
-NALANDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Adv.
For the Opposite Party/s : Mr. Jai Narain Thakur, APP.
Mr. Rajiv Nayan, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 04-10-2024 Heard learned counsel for the petitioner, learned A.P.P. for
the State and learned counsel for the informant.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 419, 420, 467, 468, 471, 34 of the Indian Penal Code.

3. Earlier vide order dated 11.07.2023 passed in Cr. Misc. No. 17269 of 2023, the prayer for anticipatory bail of the petitioner was rejected by this Court. This is the second attempt of the petitioner to approach this Court for grant of anticipatory bail.

4. As per FIR, the informant has purchased a piece of land bearing Plot No. 72, Khata No. 137, measuring an area of 10.78 decimals through registered sale deed on 06.10.2018 for total



consideration amount of Rs. 35,07,000/- from one Brahmdeo Prasad and came in possession of the same. It has further alleged that after some time, the petitioner started creating obstruction in peaceful possession of the informant and upon query, the petitioner said that the land in question has been purchased in the name of his wife vide sale deed no. 11830 dated 29.08.2022. The informant has further alleged that the petitioner has got the sale deed executed in favour of his wife after impersonating him. The photo as well as finger impressions on the alleged sale deed are not of the informant.

5. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. The petitioner is suffering from Chronic Kidney Disease which is at 5th stage and he is living on Dialysis, which is also evident from para 3 of the supplementary affidavit filed on behalf of the petitioner. The real fact of the case is that the informant is full brother of the petitioner and as a matter of fact, the petitioner had purchased the land in question in the name of his brother Abhay Kumar



(informant). He had paid the entire consideration amount to the original vendor, namely, Brahamdeo Prasad from his own account before the registration of the sale deed. It is further submitted that the informant, with dishonest intention, was not ready to transfer the land in question in favour of the petitioner, but after negotiation, he agreed to transfer the land in question in favour of the petitioner's wife, after receiving Rs. 30,00,000/-, accordingly, the petitioner transferred Rs. 28,00,000/- through online mode. After payment of the aforesaid amount, on 29.08.2022, the sale deed was executed by the informant in favour of the wife of the petitioner. Learned counsel further submits that the informant has filed a title suit for cancellation of the aforementioned sale deed. Petitioner has three criminal antecedents as mentioned in para-3 of this application.

6. Per contra, learned APP for the State as well as learned counsel for the informant opposes the prayer for bail. Learned counsel for the informant submits that the allegation levelled against the petitioner is serious in nature, hence he does not deserve the privilege of anticipatory bail.

7. Having regard to the facts and circumstances of the case, since the petitioner is suffering from Chronic Kidney



Disease which is at 5th stage, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five 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 Bihar P.S. Case No. 987 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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