

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51663 of 2024

Arising Out of PS. Case No.-716 Year-2023 Thana- RUPASPUR District- Patna

Amrish Kumar Singh @ Amrish Kumar son of Shambhu Nath Singh R/o- Jai Mahavir Colony North Rupaspur Ps- Rupaspur Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sweta Kumari Akash Kumar Village- Makhdumpur Po Ps- Sonpur Dist- Saran P/A- Opp. Mazaar Gali Po- B.V College, Ps- Airport Dist- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Chandra

For the Opposite Party/s : Mr. Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-08-2024 1. Heard learned counsel for the petitioner and learned A.P.P. for the State along with learned counsel appearing on behalf of the O.P. No.2.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 406, 420, 506, 34, 415, 467, 468, 120(B) of the Indian Penal Code.

3. Learned counsel for the petitioner submits that the informant alleges that the petitioner along with 9 named accused persons came and showed a piece of land, as detailed in the F.I.R. and disclosed that the land has been purchased by Sunita Devi from Chunnu Kumar on 23.09.2020, further, Sunita Devi had executed a power of attorney in favour of her son, for selling the land and based on the power of attorney, Naveen executed a deed of absolute sale with respect to 1 katha 10 dhur



of land for an amount of Rs.75 lacs and the petitioner became a witness on the sale deed, further an amount of Rs.57 lacs was transferred to Naveen by NEFT and an amount of Rs.18 lacs in cash and through electronic mode was given to Santosh and his wife Pinki and Rs.5 lacs was given in cash to the mediator i.e. 1.5 lacs to the petitioner, 1.5 lacs to Priti and Rs. 50,000/-each to Ramvrat and Dhananjay. It is further alleged that for purchasing the land, an amount of Rs.62 lacs was taken as loan from the bank and the informant is paying installment of Rs.76,000/- per month, it is further alleged that after the boundary was constructed, the same was demolished by some persons, on the ground that the land belongs to them and on inquiry, it transpired that Chunnu never sold the land to Sunita and the power of attorney was a fake document, it also transpired that Chunnu had sold the land pertaining to Khata No.161 to Sunita Devi and not the land pertaining to Khata No.162, which was sold to the informant, further Sunita Devi by making forgery in the sale deed, relating to Khata No.161 got the land of the Khata No.162 mutated, pertaining to Khesra No.1155, area 5 katha 9 dhur 7 dhurki, thus alleges that all accused persons in connivance cheated her.

4. The learned counsel for the petitioner submits that



from bare perusal of the allegation, as alleged in the F.I.R., it would manifest that thrust of the allegation of committing forgery is against Sunita and her son, as she committed forgery in the sale deed relating to land pertaining to Khata No.161, based on which, she got the land of Khata No.162 mutated and thereafter executed a power of attorney in favour of her son based on which the land of Khata No.162 was sold in favour of the informant and the petitioner became a witness on the sale deed. It is further submitted that the petitioner after seeing the document that the land pertaining to Khata No.162 stand mutated in favour of Sunita, had disclosed that the land belongs to her. It is also submitted that even petitioner was not aware that Sunita in connivance with her son had committed forgery. It is next submitted that Rs.57 lacs and odd was transferred in the account of Naveen and Rs.18 lacs in cash and through electronic mode is alleged to have been given to Santosh and his wife Pinki but as far as petitioner is concerned, he being mediator got an amount of Rs.1.5 lacs. It is next submitted that purchaser has to be aware and it is not the case of the informant that petitioner in any manner was involved in getting the land mutated pertaining to Khata No.162 in the name of Sunita.

5. Learned A.P.P. and the learned counsel appearing



on behalf of the O.P. No.2 opposes the prayer for anticipatory bail of the petitioner but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that petitioner is a mere witness on the sale deed and it is not the case of the informant that petitioner in any manner was involved in getting the land pertaining to Khata No.162 mutated in favour of Sunita based on which the power of attorney was executed by Sunita in favour of her son leading to execution of the sale deed.

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 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 trial court where the case is pending/successor court in connection with Rupaspur P.S. Case No.716/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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