

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55482 of 2024

Arising Out of PS. Case No.-312 Year-2023 Thana- GAYA MUFASIL District- Gaya

Kundan Kumar Siingh Son Of Anugrah Singh @ Ram Anugrah Singh
Resident Of Mohalla - North Lakhibag, P.O. - Buniyadganj, P.S. - Muffasil,
District - Gaya

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Anand, Adv

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 27-09-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Muffasil P.S. Case No. 312 of 2023 dated 13.03.2023 registered for the offences punishable under Sections 467, 468, 471, 420, 427, 385, 387 and 34 of the I.P.C.

3. As per the prosecution case, the petitioner and the co-accused persons are alleged to have demolished the boundary wall of the informant's land which was purchased from Tetri Khatoon and her six sons in the name of his wife Usha Devi through the registered sale deed. They also demanded Rs. 10 lakhs as *rangdari*. It is further alleged that Upendra Prasad and Kundan Kumar Singh (petitioner) sold the aforesaid land by



making forged illegal deed with the help of Muslim Ansari, Fekni Khatoon, Irshad Ansari and Shaidu Khatoon.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case due to land dispute. It is further submitted that the petitioner is a bonafide claimant of the land in question and same has been acquired by the petitioner from Fekni Khatoon and Saidu Khatoon Ansari by virtue of registered deed of sale executed on 13.02.2023 by deed No. 3683 dated 24.09.2021. After purchasing of the said land, the petitioner went on his land and found that the said land has earlier been sold by the ancestors of Fekni Khatoon and Saidu Khatoon to the wife of the informant since then the animosity was developed between the parties and the informant lodged the present case against the petitioner. It is further submitted that it is a case of civil nature. Learned counsel has further submitted that the petitioner has no concern with the alleged offence. The petitioner has clean criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner by submitting that the petitioner purchased the said land on 13.02.2023 from Fekni Khatoon and Saidu Khatoon through registered sale deed. The



said land was earlier purchased by Usha Devi from Tetri Khatoon in the year of 1994 and 1995 through registered sale deed. Thereafter, the mutation could not be done of the sale deed dated 13.02.2023. The petitioner and the co-accused persons sold the said land in question on fraudulently. As per para 3 of the Hon'ble Court order dated 02.09.2024, Ld. Counsel for the petitioner submits that the petitioner has no concern with the land in question and does not intent to raise any claim.

6. Considering the aforesaid facts and circumstances of the case as well as the seriousness of allegation against the petitioner, I am of the view that no case for grant of anticipatory bail is made out. Accordingly, the petition is rejected and the petitioner is directed to surrender to the Court below within six weeks from the date of this order and the Court below will consider the prayer of bail of the petitioner in accordance with law and on its own merits without being prejudiced by this order.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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