

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59429 of 2024

Arising Out of PS. Case No.-351 Year-2024 Thana- DEHRI TOWN District- Rohtas

Ajay kumar S/O Late kailash singh R/O Village- Baradhigola, P.S-
Akorhigola, Distt.- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Adv.

For the Opposite Party/s : Mr. Ravindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-09-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State Mr. Ravindra Kumar.

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

3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case and the informant alleges
that he resides in Ranchi and has land, as described in the F.I.R.
at Mauja- Baradih, the mutation of the land is also running in
his name, further, the petitioner got sale deed registered in his
favour on 17.07.2023 through Sale Deed No.3892, in presence
of two witnesses, namely Dipu, son of informant and Manish,
son of Shankar Dayal Singh, further, the sale deed was executed
impersonating the informant, it is further alleged that name of



his sons are Gaurav and Nitish, further, the Aadhar and Pan Card mentioned on the sale deed is different from the Aadhar and Pan Card of the informant, further informant never talked to petitioner for selling his land nor took Rs.12 lacs from him and he came to know about the said illegal transaction, when he came to his village and it is further alleged that petitioner is threatening to hand over the possession of the land in question to him.

4. The learned counsel appearing on behalf of the petitioner submits that petitioner has been falsely implicated in the instant case being an innocent purchaser. It is further submitted that petitioner is a businessman and resides at Akorhigola and he purchased the land through Rajesh Kumar Gupta, a property dealer and gave the entire consideration to the informant through Rajesh and the sale deed was executed by the informant, on which, his son Dipu is a witness and the land was mutated in his name. It is also submitted that informant had already filed Mutation Appeal No.379/2023-24 dated 19.12.2023 before the D.C.L.R. and before instituting the instant F.I.R. had filed T.S. No.390/2024 dated 18.03.2024, which is pending adjudication before the Court of learned Civil Judge, Senior Division, Sasaram at Rohtas. It is also submitted that



petitioner was not knowing the informant and he came to know through Rajesh.

5. Learned A.P.P. Mr. Ravindra Kumar vehemently opposes the prayer for anticipatory bail of the petitioner and submits that no doubt the petitioner is a purchaser of the land in question but then as per his own pleading in the anticipatory bail application, it would manifest that he acknowledges that he was not knowing the informant and came to know about the informant through Rajesh. It is further submitted that even the payments were not made directly to the informant rather the payments were made through Rajesh. It is next submitted that the informant specifically alleges that he has two sons namely Gaurav and Nitish and none of his sons are witnesses on the sale deed. It is also submitted that even the Aadhar and Pan Card of the informant, on the sale deed does not match with his Aadhar card and Pan number. It is further submitted that it appears that petitioner in connivance with Rajesh, got the sale deed executed. It is also submitted that it is not a case, where a family dispute had arisen, based on which, someone in the family sold the land to the petitioner. It is next submitted that price of the land in the State of Bihar has sky rocketed hence such cases are frequently coming to this court and the investigation of the case



is in its nascent stages and 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 counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will co-operate in the investigation to prove his innocence.

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.25,000/- (Rupees Twenty five 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 Dehri (Town) P.S. Case No.351/2024 (5125024240351), subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to his notice that the petitioner despite giving assurance to this court is not co-operating in the investigation or is not presenting himself, as and when required, in that event the learned trial court shall be at liberty to cancel



the bail bonds of the petitioner.

8. It is further made clear if charge sheet is submitted connecting the petitioner with the offence, in that event, the present anticipatory bail order shall loose its effect.

(Satyavrat Verma, J)

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