

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60194 of 2024

Arising Out of PS. Case No.-173 Year-2024 Thana- MOHANIYA District- Kaimur (Bhabua)

Dhananjay Chaturvedi S/O Kamalakant Chaturvedi Resident of Vill -
Gheghia, P.S. - Mohania, District - Kaimur (Bhabua)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Babita Devi W/O Munnu Kumar R/O Mohalla- Mohania, Ward No.15, P.S.-
Mohania, District- Kaimur (Bhabua)

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Sunil
For the Opposite Party/s	:	Mr. Pramod Kumar Pandey
For the O.P. No. 2	:	Ms. Kiran Kumari Sharma

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-09-2024

1. Heard learned counsel for the petitioner, learned

APP for the State and the learned counsel appearing on behalf of
O.P. No. 2.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 341, 323, 354, 379, 384, 420, 504 and 34 of the Indian
Penal Code.

3. The learned counsel appearing on behalf of the
petitioner submits that the informant alleges that her husband
purchased a land from petitioner after making a payment of Rs.
30,20,000/- in three instalments, but to take peaceful possession
of the land for constructing a house, she was not allowed to take
possession of the land by the accused persons including the
petitioner, it is further alleged that husband of the informant got



the land mutated in his name and rent receipt of the land is paid up till 2023-24. It is next alleged that on 18.02.2024, the informant again tried to bound the land by a boundary when the accused persons came variously armed and surrounded her and started abusing and on protest, it is alleged that the petitioner and other pushed the informant on ground and assaulted her and the accused persons also took away the golden ring worth Rs. 2 lacs.

4. The learned counsel submits that the petitioner has been falsely implicated in the instant case by the informant. It is further submitted that the date of occurrence is 14.08.2018 and the FIR came to be instituted on 18.03.2024. It is next submitted , no doubt, in the FIR, present cause of action has been shown but then the dispute is with respect to purchase of land by the husband of the informant from the petitioner. It is submitted that the land was sold by the petitioner in the year 2018, and thereafter the husband of the informant got the land mutated in his name but a dispute arose in the family of the petitioner, as such, the son of the petitioner filed Miscellaneous Case No. 19 of 2023 and Miscellaneous Case No. 20 of 2023 before the Collector-cum-District Magistrate, Kaimur (Bhabua) under Section 32 of the Bihar Consolidation Act for cancelling the sale



deed no. 5808 and 5809 both dated 04.08.2018 on the ground that no permission was obtained from the Consolidation Officer, Mohania, Kaimur prior to execution of the sale deed executed by the petitioner in favour of the husband of the informant. It is next submitted that the Collector by his order 30.11.2023 declared both the sale deeds void. It is submitted that it is not the case of the informant that any cheating or forgery was committed by the petitioner in selling his land to the husband of the informant. It is further submitted that even petitioner was not aware that permission had to be taken from the Consolidation Officer before executing the sale deeds. It is next submitted that they started disputing the sale of the land made by the petitioner in favour of the husband of the informant, as such, the aforesaid cases came to be filed on advise when the Collector declared both the sale deeds void. It is submitted that after the sale deeds were declared void, the instant case came to be instituted. It is also submitted that it absolutely does not stand to reason that if the husband of the informant had purchased the land in question in the year 2018, why it took six years to institute the instant FIR, if possession was not given to him. It is also submitted that even possession was with the husband of the informant, as such, the land was mutated in his favour. It is next



submitted that petitioner is ready to return the amount of Rs. 30,20,000/- to the husband of the informant but then the husband of the informant is not ready to accept the money.

5. The learned APP for the State and the learned counsel appearing on behalf of the informant opposes the anticipatory bail application but then they are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that if possession of the land after sale was not handed over to the husband of the informant, then why no case came to be instituted either civil or criminal instantly. Further, the learned counsel appearing on behalf of the informant is also not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that the land in question has been mutated in favour of the husband of the informant.

6. The learned counsel appearing on behalf of the informant submits that informant is not willing to take back the money but wants land on which the learned counsel appearing on behalf of the petitioner submits that a mistake was committed by him in executing the sale deed, as he was not aware that permission of Consolidation Officer was required, but then he is willing to restitute the said mistake by returning the money and



if informant is not interested in money but only wants land, in that event, petitioner does not have any other land for sale.

7. 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. 10,000 /- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 1st Class, Mohania at Kaimur in connection with Mohania P.S. Case No. 173 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. **The application stands allowed.**

(Satyavrat Verma, J)

Sudhanshu/-

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