

Arising Out of PS. Case No.-1452 Year-2021 Thana- PURNIA COMPLAINT CASE District-
Purnia

1. PRANAV KUMAR @ PRANAV JAISWAL son of Sri Ravindra Prasad Jaiswal Village- Teldihia Ps-Tikapatti Dist- Purnea
2. Dheeraj Kumar son of Sri Ravindra prasad Jaiswal Village- Teldihia Ps-Tikapatti Dist- Purnea
3. Santosh Kumar @ Santosh Jaiswal son of Sri Ravindra Prasad Jaiswal Village- Teldihia Ps-Tikapatti Dist- Purnea
4. Chandan Kumar @ Chandan Kumar Jaiswal son of Sri Ravindra Prasad Jaiswal Village- Teldihia Ps-Tikapatti Dist- Purnea
5. Ravindra Prasad Jaiswal son of Chedi Prasad Jaiswal Village- Teldihia Ps-Tikapatti Dist- Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mahendra Mahaldar son of Late Paddu Mahaldar Village- Tikapatti Ps-Tikapatti Dist- Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Rajdeep
For the Opposite Party/s	:	Mr. Nand Kishore Prasad
For the O.P. No. 2	:	Mr. Bhola Prasad
		Mr. Indrajeet Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 21-03-2024 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State along with learned counsel for the
O.P. No. 2.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 420, 467, 468, 471 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that



petitioners are persons with clean antecedent and have been falsely implicated in the instant case by the informant. It is further submitted that the dispute is purely civil to which a criminal colour has been given. It is also submitted that if the O.P. No. 2 is aggrieved by the execution of the sale deed by Mahendra Jaiswal in favour of the petitioners in the year 1992 in that event he has a remedy of challenging the said sale deed before a Court of competent jurisdiction, but till the sale deed is in existence, it cannot be construed that the document is forged and fabricated.

4. The learned counsel appearing on behalf of the O.P. No. 2 submits that the case is not as simple as it has been made out to be. It is further submitted that petitioner no. 5 herein is own brother of Mahendra Jaiswal and it is the case of the petitioners that they in the year 1992 had purchased the land in question from Mahendra Jaiswal by a sale deed bearing no. 10900, further based on the sale deed, the petitioners also got the land in question mutated in their favour. It is further submitted that in the year 2019 Sangeeta Jaiswal wife of Mahendra Jaiswal sold the said land to the O.P. No. 2 herein. It is next submitted that when O.P. No. 2, based on the sale deed executed in his favour by Sangeeta



Jaiswal, went for getting the land mutated in his favour then he came to know that the land stands mutated in the name of the petitioners based on the sale deed executed in the year 1992 by Mahendra Jaiswal. It is next submitted that thereafter the O.P. No. 2 herein filed an appeal against the order of mutation in favour of the petitioners with respect to the land mutated in the year 1992 based on the sale deed no. 10900 in the Court A.D.M, Purnea, it is submitted that during course of the appeal, a report was called for from the DCLR, Dhamdaha who in turn went to the office of the Sub-Registrar for verifying about the genuineness of the sale deed no. 10900 and thereafter submitted his report recording therein that sale deed no. 10900 was not executed in the Registry rather the last sale deed executed in the year 1992 was sale deed no. 10003, as such, in the appeal the A.D.M., Purnea set aside the order of mutation with respect to the land which stood mutated in favour of the petitioners based on the sale deed of 1992.

5. The learned counsel for the petitioners, at this stage, rebuts the submission of the learned counsel appearing on behalf of the O.P. No. 2 and submits that the administrative authorities have no jurisdiction to decide the genuineness of a



sale deed. It is also submitted that the petitioners are purchasers of the land in question from Mahendra Jaiswal and it appears that his wife Sangeeta Jaiswal sold the same land to the O.P. No. 2 herein in the year 2019 concealing the fact the land in question was sold earlier to the petitioners. It is further submitted that petitioners have also filed a Title Suit No. 27 of 2021 in the Court of learned Sub-Judge, Dhamdaha, Purnea in which the present O.P. No. 2 is a defendant. It is also submitted that the title suit has been filed for getting the sale deed executed by Sangeeta Jaiswal in favour of O.P. No. 2 in the year 2019, it is thus submitted that since the dispute is civil, as such, the petitioners be granted the privilege of anticipatory bail.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each 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 C.A.
Case No. 1452 of 2022 subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

8. Accordingly, the present anticipatory bail
application stands allowed.

(Satyavrat Verma, J)

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