

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73304 of 2024

Arising Out of PS. Case No.-30 Year-2024 Thana- Sahayak Khajanchi District- Purnia

Govind Sawrnkar, Son of Late Suakhi Lal Sawarnkar Resident of Ward No.-
08, Durga Sthan Sonar Tola, P.O.- Kasba, P.S.- Kasba, District- Purnia

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gopal Swarnkar S/O-Late Soukhi Lal Swarnakar, R/O-Durgasthan Sonar Tola, Ward 8/17 , P.S.-Kasba , Dist-Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Advocate Mr. Fakhruddin Ali Ahmad, Advocate Mr. Tauqueer Azhar, Advocate Mr. Reyaj, Advocate
For the Informant	:	Mr. Kailash Prasad Swarnkar, Advocate
For the State	:	Mr. Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 06-12-2024 1. Heard Mr. Y.C. Verma, learned senior counsel for the petitioner and Mr. Kailash Prasad Swarnkar, learned APP for the State.

2. Petitioner apprehends his arrest in connection with Sahayak Khajanchi Hat P.S. Case No. 30 of 2024 dated 01.04.2024 registered for the offences punishable under Sections 406, 420, 467, 468, 471 read with Section 34 of the Indian Penal Code.

3. As per the prosecution story, informant stated that on 28.02.2024 he was informed of destruction of pillars on his land by Dinesh Prasad Sah, Ritesh Kumar and Rajesh Kumar



when he came to his land to stop the destruction, he was told by Dinesh Prasad Sah that he had bought the land. When the informant went to the Registry Office, he came to know that on 29.05.2023, his brother Govind Swarnkar executed sale deed of his land by obtaining a duplicate Aadhaar Card and fraudulently registered it in the office of the District Sub-Registrar, Purnea.

4. The main submissions advanced by learned senior counsel appearing for the petitioner are that the instant matter relates to a civil wrong, as per allegation, the petitioner simply sold the informant's share in the land in question and admittedly, the informant and the petitioner jointly purchased the alleged land through registered sale deed and the dispute raised by the informant can only be resolved through a civil case and co-accused namely, Md. Abdul and Dinesh Prasad Saha who are said to be the identifier and the purchaser of the land in question have been granted anticipatory bail by co-ordinate bench of this court as well as this bench vide orders dated 01.10.2024 and 18.09.2024 passed in Cr. Misc. No. 62249 of 2024 and Cr. Misc. No. 61154 of 2024 respectively and the petitioner is said to be the seller of the land in question. It is further submitted that though against the petitioner, there is criminal antecedent of four cases but out of them one has been settled in Lok Adalat



and in rest of the cases, the petitioner is on bail.

5. On the contrary, Mr. Kailash Prasad Swarnkar, appearing for the informant submits that the instant matter relates to serious cheating and forgery as admittedly, a land having area of 2 *katha* and 12 *dhur* was jointly purchased by this petitioner and informant through a registered sale deed and both had equal half share in the purchased land and the petitioner firstly sold his half share in favour of his son by registered sale deed on 16.11.2021 the details of which has been given in the FIR and later on, sold the informant's entire share in the said land in favour of the father-in-law of his son and in that sale, the petitioner used the informant's Aadhaar Card and thereby committed forgery also. It is further submitted that against this petitioner, there is criminal antecedent of four cases.

6. Considering the seriousness of the allegation as appears from the FIR itself and the instant matter relates to the serious offence of forgery and cheating as the petitioner firstly sold his half share in the land which was purchased jointly by him and the informant and later on also sold the informant's entire share in favour of the father-in-law of his son and there is an allegation that in the alleged sale, the petitioner used the forged Aadhaar Card in the name of the informant and also



taking into consideration the petitioner's criminal antecedents,
this court is not inclined to grant the relief of anticipatory bail to
the petitioner. Accordingly his prayer stands rejected.

(Shailendra Singh, J)

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