

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.74593 of 2024

Arising Out of PS. Case No.-60 Year-2024 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

Vijay Kumar Son of Late Ram Paswan Resident of Mohalla - Ambedkar
Nagar, Sabour Road, Police Station - Ziro Mile, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Manoj Kumar
For the Opposite Party/s : Mr. Brajendra Nath Pandey
For the Informant : Mr. Rajesh Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 2 13-11-2024 1. Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Kotwali (Jagsar) Police Station Case No. 60 of 2024, disclosing offences under Sections 420/467/468/34 of the Indian Penal Code.
3. The prosecution story, as per the First Information Report, is that the informant purchased land, bearing Khata No. 109, Khesra No. 205, Jamabandi No. 113/324 and is in her



possession since 23.09.2003. It has further been alleged that the accused Sanoj Yadav tried to take possession of the land, in question. When the informant objected, accused Sanoj Yadav told that he has purchased the land, in question, by registered sale deed on 25.06.2023. After obtaining the certified copy of the sale deed from the Registration Office, the informant got the knowledge that the sale deed, dated 25.06.2023, is forged and executed in favour of accused Sanoj Yadav by impersonating some other lady as vendor in connivance with the petitioner and other accused persons. The petitioner-Vijay Kumar and Diwakar Kumar are the identifier and witnesses in the forged sale deed.

4. Learned counsel for the petitioner submits that the petitioner is a practicing lawyer and on the request of co-accused Sanoj Yadav he has signed as witness and identifier in the sale deed, which has allegedly been registered in favour of co-accused Sanoj Yadav, who produced some impostor of informant in the Registry Office on the basis of forged Aadhar Card, Pan Card, Photographs, etc. He next submits that has not committed any offence and has been implicated in the present case merely because he happens to be the identifier/witness. Petitioner is not the beneficiary in the sale



deed executed on 25.06.2023 and has no role in the alleged occurrence. He also submits that the petitioner casually agreed and signed the sale deed, which was subsequently been executed on 25.06.2023 without informing the petitioner. Petitioner was not even present on the date of execution of sale deed. He further submits that Title Suit No. 690 of 2023 is pending before the concerned Civil Court for the dispute related to the land, in question.

5. Learned counsel for the informant vehemently opposes the prayer for anticipatory bail of the petitioner and submits that the petitioner has signed the sale deed, dated 25.06.2023, as witness and was actively involved in the alleged occurrence.
6. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that the petitioner is merely the identifier/witness in the sale deed and not the beneficiary and the title suit for the land, in question, is pending before the concerned court, I am inclined to grant the petitioners privilege of anticipatory bail.
7. This application is, accordingly, allowed.
8. Let the petitioner, in the event of his arrest or surrender before the Court below within four weeks, be released on



bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur, in connection with Kotwali (Jagsar) Police Station Case No. 60 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure .

(Anil Kumar Sinha, J)

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