

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73451 of 2023

Arising Out of PS. Case No.-262 Year-2023 Thana- KHUSRUPUR District- Patna

1. LALAN KUMAR son of Late Nagendra Prasad Sharma Village- Jagmal Bigha Ps- Khusrupur Dist- Patna
2. RAUSHAN KUMAR son of Late Satyendra Singh Village- Jagmal Bigha Ps- Khusrupur Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 05-03-2024 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Khusrupur P.S. Case No. 262 of 2023 for the offence registered under sections 471, 467, 468 and 420 of the Indian Penal Code lodged on 21.06.2023 by the informant, Reeta Sharma.

3. As per the prosecution story, the informant who claims to be the legal heirs of late Babu Baldeo Singh alleged that on the basis of fake deed of gift, the accused persons got online revenue receipt for their family members for the land belonging to Khesra Nos. 1607, 1575, 2312 and 1021. Accordingly, the FIR.

4. Learned Counsel for the petitioners submit that late Babu Baldeo Singh was great grand-father of petitioner no. 1 and further the gift deed is of the year 1961, is a registered deed



whereafter the petitioners/their ancestors are/were in peaceful possession. Accordingly, the names of Mathura Singh and Ram Prasad Singh was duly mutated.

5. It is his further submission that the said gift deed was never challenged for four decades and as such, the revenue receipt created.

6. Learned Counsel for the informant, on the other hand, submitted that as per the letter no. 1406/Registration dated 01.07.2023, the District Registration Officer informed that the Document No. 5963 is the mortgage deed and not a gift deed, as was made out by the accused persons in furtherance of their cause.

7. Further, even as per the documents from the Circle Officer, Khusrupur, Patna, the aforesaid document is a mortgage deed and not a gift deed.

8. The contention is that the petitioners on the basis of forged documents, succeeded in having online receipt. He as such, opposes the prayer stating that in the aforesaid circumstance, anticipatory bail be not granted to them.

9. This Court has gone through the facts of the case, the FIR, the submissions put forward by the parties. The document no. 5963 present in the office of District Registration



Office, Patna is a mortgage deed and not a gift deed and this was the basis for the accuseds to create documents in their favour and got the online receipt in the name of Mathura Singh and Ram Prasad Singh. They also have criminal antecedents of the same nature *inasmuch* as Phulwarisharif P.S. Case No. 991 of 2023 has been registered against them on 11.07.2023 under sections 406, 420, 504, 506 and 34 of the Indian Penal Code, as would reflect from the paragraph 3 of the anticipatory bail application.

10. It has also be taken note of that the petitioners have also preferred Title Suit No. 09 of 2023 in the month of January, 2023 but thereafter, in a haste, online revenue receipt for the year 2022-23 came into existence.

11. Considering the aforesaid facts, it would be appropriate that the petitioners surrender before the court and seek bail.

12. No case of anticipatory bail is made out.

13. Cr. Misc. No. 73451 of 2023 stands rejected.

(Rajiv Roy, J)

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