

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.77216 of 2024

Arising Out of PS. Case No.-64 Year-2024 Thana- DARAUNDA District- Siwan

- 1. Arvind Kumar S/O Parmanand Thakur Resident of village- Dumariya Khurd, P.S- Parbatta, Distt.- Khagaria.
- 2. Praveen Kumar @ Pravin S/O Parmanand Thakur Resident of village- Dumariya Khurd, P.S- Parbatta, Distt.- Khagaria.
- 3. Rahul Kumar S/o Parmananad Thakur Resident of village- Dumariya Khurd, P.S- Parbatta, Distt.- Khagaria.
- 4. Amlesh Jha S/O Late Bhumi Jha Resident of village- Dumariya Khurd, P.S- Parbatta, Distt.- Khagaria.

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Jagarnath Singh S/O Late Nanhaku Singh R/O Vill.- Hathopur (Tehra), P.O- Mahuwal Mahal, Distt.- Daruunda, Distt.- Siwan.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary
For the State : Mr.Shyameshwar Dayal
For the informant ; Mr. Jai N. Thakur
Mr, Jitendra Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 220-11-2024
- 1. Heard learned Counsel for the petitioners, learned Counsel for the informant and learned Additional Public Prosecutor for the State.
 - 2. This application, for grant of anticipatory bail, arises out of Daraunda Police Station Case No. 64 of 2024, dated 13.03.2024, disclosing offences punishable under Sections 420/ 467/468/471/504/506/120-B of the Indian Penal Code.



3. The prosecution case, as per the First Information Report, is that the petitioner nos. 1, 2 and 3 wrongfully claimed themselves as the maternal grandsons of Late Nanhaku Rai and executed sale deed for the piece of land appertaining to khata no. 2, survey no. 8, having an area of 10 kathas and khata no. 2, survey no. 10, having an area of 05 kathas 10 dhurs in favour of co-accused Ajay Kumar Rai in order to grab the land of the informant. It has further been alleged that the petitioner nos. 1, 2 and 3 are not the maternal grandsons of Late Nanhaku Rai and after coming to know about the fake sale deed executed by the petitioner nos. 1, 2 and 3 in which the petitioner no. 4 is an identifier, the informant obtained the certified copy of the sale deed from the registry office on 01.02.2024.
4. Learned Counsel for the petitioners submits that the petitioner nos. 1 to 3, being the maternal grandsons of Late Nanhaku Rai, executed the sale deed inasmuch as Late Nanhaku Rai had only one daughter. The sale deed executed by the petitioner nos. 1 to 3 is bona fide piece of document and the informant has filed a suit, bearing Title Suit No. 224 of 2024, in which the petitioner nos. 1 to 3



are defendants. The petitioner no. 4 is merely an identifier.

5. On the other hand, learned Counsel for the informant opposes the prayer for bail and submits that the petitioner nos. 1 to 3, in connivance, made a false document and executed sale deed of the land of the informant in favour of co-accused Ajay Kumar Rai, claiming themselves to be the maternal grandsons of Late Nanhaku Rai; whereas they are not the maternal grandsons of Lat Nanhaku Rai and in order to grab the land of the informant, the petitioners have evolved a modus operandi of this nature. The petitioners nos. 1 to 3 are having a criminal antecedent of similar nature of offence under Sections 408/420/425/468/469/47/504 of the Indian Penal Code in Mufassil Police Station Case No. 190 of 2006, in which the petitioner nos. 1 to 3 have been declared absconder on 08.08.2024. The fact regarding criminal antecedent has been concealed by the petitioners in the present bail application as they have stated in paragraph 3 of this application that the petitioners are having no criminal antecedent.
6. Regards being had to the submissions advanced on behalf



of the parties and taking into consideration the nature of allegation and the fact that the petitioner nos. 1 to 3 is having criminal antecedent, in which they have been declared absconder on 08.08.2024, I am not inclined to grant privilege of anticipatory bail to petitioner nos. 1 to 3.

7. This application, so far as it relates to petitioner nos. 1 to 3, is dismissed.

8. However, taking into account the fact that the petitioner no. 4 is identifier/witness in the sale deed and not the beneficiary of the land in question, I am inclined to grant the petitioner no. 4 privilege of anticipatory bail.

9. This application, so far as petitioner no. 4 is concerned, is allowed.

10. Let the petitioner no. 4, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan, in connection with Daraunda Police Station Case No. 64 of 2024, subject to the condition laid down under Section 438 (2)



of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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