IN THE HIGH COURT OF JHARKHAND AT RANCHI

A. B. A. No. 3513 of 2024

Md. Ishaque @ Md. Ishaque Ansari ….. Petitioner

Versus

The State of Jharkhand ….. Opposite Party

With

A. B. A. No. 3592 of 2024

1. Chainpati Devi @ Chayan Pati Devi
2. Ram Nagina Pandey ….. Petitioners

Versus

1. The State of Jharkhand
2. Naimuddin Ansari ….. Opposite Parties

CORAM

HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioners: Mr. Afaque Rashidi
Mr. Shekhar Pd. Sinha
For the State: Mr. N. K. Ganjhu, A.P.P
For the Informant: Mr. Baibhav Gahlaut

09/10.12.2024 The petitioners apprehending their arrest in connection with the case registered under Sections 406/420/467/468/471/120(B) IPC and Section 82 of Registration Act, 1908 have prayed for grant of anticipatory bail.

2. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in this case and have not committed any offence as alleged in the complaint leading to lodging of the present F.I.R. As per the allegation, the petitioner Chainpati Devi @ Chayan Pati Devi sold the land appertaining to Khata No. 142, Plot No. 1911, Mouza-Kola Kusma, Mouza No. 12, P.S-Saraidhela, Dsitrict-Dhanbad, measuring an area of 07 Katthas (11.55 Decimals) to the informant by changing Khata No. as '140', which was non-saleable Khata being 'Gair Abad'. So far as the petitioner Md. Ishaque @ Md. Ishaque Ansari is concerned, he is the deed writer and it has been alleged against him that he actively participated in manipulating the Khata number of the said land. It is further submitted that in fact in course of investigation, it came to light that the land in question was initially sold by one R. N. Dwivedi to one Shali Asthana by way of registered sale deed No. 1196 dated 14.12.1998.

Subsequently, S. P. Dwivedi, the bother of R. N. Dwivedi, sold the said land to Chainpati Devi @ Chayan Pati Devi by way of registered sale deed No. 3955 dated 28.05.1992. Hence, it is not a case in which the petitioner Chainpati Devi @ Chayan Pati Devi, her husband i.e. the petitioner Ram Nagina Pandey cheated the informant by selling a land of 'Gair Abad Khata'. In fact, the said petitioners were themselves unaware of the fact that the land in question pertains to 'Anabad Khata'. So far as the petitioner Md. Ishaque @ Md. Ishaque Ansari is concerned, he cannot be said to be the beneficiary of the sale of the land in question. The petitioners however undertake to cooperate in the ongoing investigation. Hence, they may be given the privilege of anticipatory bail.

3. Learned A.P.P as well as learned counsel for the informant oppose the petitioners' prayer for anticipatory bail.

4. Having heard learned counsel for the parties and considering the materials available on record, I am inclined to enlarge the petitioners on anticipatory bail. Accordingly, the above named petitioners are directed to surrender before the concerned Court below within a period of three weeks. If they surrender before the Court below within the aforesaid period, they shall be released on bail on furnishing bail-bond of Rs.20,000/- (twenty thousand only) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Dhanbad in connection with Saraidhela P.S. Case No. 13/2024, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Satish/- (RAJESH SHANKAR, J)