

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23094 of 2025

Arising Out of PS. Case No.-406 Year-2024 Thana- SAUR BAZAR District- Saharsa

Santosh Kumar Son of Ram Mohan Kamat R/O Village- Sahuria Purbi Tola,
P.S.- Sour Bazar, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Shailendra Kumar Singh, Ms. Kumari Rashmi, Advocates.
For the Opposite Party/s :	Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 02-05-2025 Heard Mr. Shailendra Kumar Singh, learned
counsel for the petitioner and learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Sour Bazar P.S. Case No. 406 of 2024 for the offence under sections 126(2), 115(2), 336(3), 337, 338, 3(5) of Bharatiya Nyaya Sanhita, 2023.

3. The case of the prosecution, in short, is that the informant, Bechan Yadav had submitted an application to SHO, Sour Bazar PS in which it is alleged that his elder brother, Yogendra Yadav @ Jogi Yadav had sold the informant's land to his daughters-in-law, namely, accused, Punam Devi, Sangita Devi and Nitu Devi through registered sale-deed no. 3416 dated 27.02.2024 on the basis of forged documents in conspiracy with other co-accused persons. It has further been alleged that the



petitioner has put his signature on the forged sale-deed as a witness/identifier. It is also alleged that a Panchayati was held after obtaining the certified copy of the alleged sale-deed, then the accused persons abused and assaulted the informant. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he is an innocent, has got no criminal antecedent and has falsely been implicated in this case. He further submits that from the allegation levelled against him, it is clear that that the case is purely civil in nature but instead of getting it resolved in the Civil Court, the informant has chosen to file an FIR. The petitioner has no concern with the alleged land in question and he is neither the seller nor the purchaser of the said land. The petitioner is not even the beneficiary of the alleged land. The specific allegation in the FIR of selling the share of the land of the informant is against co-accused, Yogendra Yadav @ Jogi Yadav who has executed the sale-deed in favour of his daughters-in-law, namely, accused, Punam Devi, Sangita Devi and Nitu Devi. The petitioner has only been accused of identifying the sale-deed. Learned counsel also submits that the sale-deed was registered on 27.02.2024 but the FIR has been lodged approximately after five months i.e. on 16.07.2024 for



which there is no explanation for such delay. The informant has neither filed any case before the District Registration Officer, Saharsa for cancellation of the alleged sale-deed nor has he filed any objection against the mutation before the Circle Officer. It is further submitted that the petitioner is full brother of the co-accused, Yogendra Yadav @ Jogi Yadav who has alleged to have sold the informant's share in favour of his daughters-in-law and therefore, the informant ought to have filed before the Civil Court.

5. Learned APP appearing for the State has opposed the prayer for anticipatory bail.

6. Considering the fact that the dispute is between the relatives and it is relating registry of land, *prima facie*, it appears that it is purely a civil dispute and the petitioner has only been alleged to have only played a role as a witness/identifier. Whether the sale deed is forged or not, it is still the subject matter of adjudication.

7. Considering all the facts and circumstances of the case, this Court is inclined to extend the petitioner the privilege of anticipatory bail.

8. Let the petitioner, above named, be released on bail, in the event of arrest or surrender within a period of four



weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Saharsa in connection with aforesaid PS Case, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. Accordingly, the present application for anticipatory bail stands allowed.

(Alok Kumar Sinha, J)

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