

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29987 of 2025

Arising Out of PS. Case No.-687 Year-2024 Thana- CHANDI District- Nalanda

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1. Anil Prasad S/O Late Prameshwar Mahto R/O Vill.- Jaitipur, P.s.- Chandi, Dist.- Nalanda.
 2. Uday Kumar S/O Late Kapildev Prasad R/O Vill.- Hanumangarh, P.s.- Chandi, Dist.- Nalanda.
 3. Sainik Kumar S/O Rambriksh Singh R/O Vill.- Dyalpur, P.s.- Chandi, Dist.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar

For the Opposite Party/s : Mr.Anish Chandra

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 16-05-2025 1. Learned Counsel for the petitioners informs that the petitioner no. 1, Anil Prasad, has been arrested by the police during the pendency of this application and this application, so far as petitioner no. 1 is concerned, has become infructuous.
2. Accordingly, this application, so far as petitioner no. 1, is concerned, is dismissed as having become infructuous.
3. This application will now survive only for petitioner nos. 2 and 3.
4. Heard learned Counsel for the petitioner nos. 2 and 3 and learned Additional Public Prosecutor for the State.



5. This application, for grant of anticipatory bail, arises out of Chandi Police Station Case No. 687 of 2024, dated 14.12.2024, disclosing offences punishable under Sections 420/467/468/504/506/34 of the Indian Penal Code.
6. The prosecution case, as per the First Information Report, is that the informant purchased a piece of land through registered sale deed on 04.07.2014, ad measuring 04 decimals, situated at mouza Hanumangarh, from the vendor Vishundeo Prasad and Mahavir Das, having Khata No. 30, Plot Nos. 326 and 327. Thereafter, the informant constructed a house over the said land in the year 2015. It has been alleged that after sale in favour of the informant by Vishundeo Prasad and Mahavir Das, the same land has again been sold by co-accused Smt. Shashi Kiran Sinha in favour of petitioner nos. 1 and 2, showing the land in question as barren land. The petitioner nos.1 and 2 are the purchasers of the land in question in the year 2023, i.e. subsequent to the land purchased by the informant. The petitioner no. 3 is the identifier and has put his signature on the registered sale deed in favour of petitioner nos. 1 and 2, as witness.



7. Learned Counsel for the petitioner nos. 2 and 3 submits that the husband of co-accused Shashi Kiran Sinha died in the year 2002 and much before that, in the family partition, 131 decimals of land has come in the share of co-accused Shashi Kiran Sinha and her husband. The husband of co-accused Shashi Kiran Sinha, during his lifetime, sold 17.187 decimals of land of Khata No. 30 and Plot Nos. 327 and 328 on 09.10.2001 in favour of one Smt. Meena Devi. Thereafter, Smt. Meena Devi sold 3.5 decimals of land of Khata No. 30 and Plot Nos. 327 and 328 in favour of one Uma Devi on 10.06.2002.
8. Learned Counsel for the petitioners next submits that the genesis of the present occurrence comes after that. He submits that Smt. Meena Devi sold 07 decimals of land of Khata No. 30, Plot Nos. 326 and 327 in favour of Vishundeo Prasad and Mahavir Das on 03.12.2004. At this juncture, learned Counsel points out that Smt. Meena Devi never purchased the land of Khata No. 30, Plot No. 326. He further submits that after purchased of 7 decimals of land in Plot Nos. 326 and 327, Vishundeo Prasad and Mahavir Das sold 03 decimals of land of Khata No. 30 and Plot Nos. 326 and 327 in favour of Manju Devi on



04.01.2014 and remaining 04 decimals of land of Vishundeo Prasad and Mahavir Das of Khata No. 30, Plot Nos. 326 and 327 was sold by them to the informant on 04.07.2014.

9. Accordingly, the submission is that the informant purchased 04 decimals of land from Vishundeo Prasad and Mahavir Das in Plot Nos. 326 and 327; whereas, the petitioner nos. 1 and 2 purchased the land of Plot No. 326. Vishundeo Prasad and Mahavir Das though purchased the land of Plot Nos. 326 and 327 from Meena Devi, but Meena Devi purchased the land from the husband of Smt. Shashi Kiran Sinha of Plot No. 327 and 328. Meena Devi never purchased the land of Plot No. 326 from its original owner and thereby Vishundeo Prasad and Mahavir Das also cannot sell the land in favour of the informant pertaining to Plot No. 326. The petitioner nos. 1 and 2 purchased the land of Plot No. 326 from Smt. Shashi Kiran Sinha, which was not sold by her either to Meena Devi or anybody else. The sale deed executed in favour of petitioner nos. 1 and 2 by Smt. Shashi Kiran Sinha is annexed by the petitioners at Annexure 3 to the supplementary affidavit. The petitioner nos. 1 and 2 are



the bonafide purchasers from its original owner, Smt. Shashi Kiran Sinha. The informant has filed Title Suit No. 187 of 2023 in which the petitioner nos. 1 and 2 have been made defendant nos. 2 and 1 respectively and Smt. Shashi Kiran Sinha has been made defendant no. 3. The informant has not made Meena Devi, Vishundeo Prasad and Mahavir Das, as defendants in the suit.

10. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the nature of allegation and the fact that Title Suit No. 187 of 2023 is pending between the parties and the petitioner no. 3 is merely an identifier in the sale deed, I am inclined to grant the petitioner nos. 2 and 3 privilege of anticipatory bail.

11. This application is, accordingly, allowed.

12. Let the petitioner nos. 2 and 3, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Hilsa, Nalanda, in connection with Chandi



Police Station Case No. 687 of 2024, subject to the condition laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

13. It is to be noted here that with effect from 01.07.2024, the Indian Penal Code has been replaced by Bhartiya Nyaya Sanhita, 2023. Though the present First Information Report has been lodged on 14.12.2024, the Station House Officer, Chandi Police Station, has registered the present First Information Report under the provisions of the Indian Penal Code in place of Bhartiya Nyaya Sanhita, 2023.
14. The Superintendent of Police, Nalanda, is directed to take necessary and immediate steps for correction of the provisions of law in the present First Information Report.
15. Let a copy of this order be communicated to the Superintendent of Police, Nalanda, through fax, forthwith.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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