

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36745 of 2025

Arising Out of PS. Case No.-180 Year-2024 Thana- INDUSTRIAL AREA District- Vaishali

Manoj Kumar Son of Ram Prasad Rai Village- Hilalpur, Ps- Industrial Area,
Dist- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Surajdeo Chaudhary S/o Late Kapildev Chaudhary R/V- Jethui, P.S. -
Industrial Area, Distt.- Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Adv., Mr. Ritwik Thakur, Adv., Ms. Vaishnavi Singh, Adv.
For the Opposite Party/s	:	Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 20-08-2025 Heard the learned Advocate for the petitioner and the
learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Industrial Area P.S. Case No. 180 of 2024, dated
03.12.2024, registered under Sections 420, 467, 468, 471,
120(B) of the Indian Penal Code.

3. The prosecution case, in brief, is that one Surajdeo
Choudhary lodged computerized written report addressed to the
Officer In-charge of Industrial Area police station stating therein
inter alia that he is in possession of the land bearing khata no.-
52 khesra no.-248, area 81 decimals, which is a khatiyani land
and is in the name of Kapildeo Choudhary, Ganesh Chaudhary



and Ram Prasad Choudhary. The accused persons have prepared forged title document and they tried to grab the said land for which the present case is being lodged and they are Sri Dilip Kumar, who along with his family members created the entire plan to capture the said land and executed sale deed with respect of the same. Kamleshwar Singh, Sumitra Devi, Digvijay Narayan, who prepared the false report showing the possession in favour of Sumitra Devi, Rudal Rai, who is involved in sale purchase and a part of the conspiracy. The aforesaid gang is very active and are capturing the land of several people and are selling the same. In a similar fashion they have captured the land of his co-villager Raj Kumari Devi, for which Industrial Area P.S.Case No.138 of 2024 has been instituted. Similarly they have committed fraud with other persons, also for which cases have been lodged. It is pertinent to mention here that the relative (Mausaji) of accused no.1 purchased the said land, which was thereafter sold to accused no.1, and now accused no.1 is selling the land in small pieces. The accused has prepared forged deed bearing no.-5188 and upon careful examination the differences between the real and vague deed can be noted. On the basis of this forged deed, they have gotten the name of gang member mutated in which the Mutation



Officer is also involved and then they sold the said land. After coming to know about the same, informant applied for all the relevant documents given at the time of mutation and contacted the office Deputy Registrar, Muzaffarpur and procured the original copy of the deed no.-5188, which is apparently in the name of other persons and thus the cheating committed by the accused persons is evident. In this fashion the accused are involved in tampering with the original document from the Registry Office, Muzaffarpur using which they captured the land and sold the same.

4. It is submitted by the learned counsel for the petitioner that on the basis of written report Industrial Area Police lodged a formal First Information Report and registered a case being Industrial Area P.S. Case No.- 180 of 2024 against the accused person, which is pending before the learned C.J.M, Vaishali at Hajipur.

5. It has next been submitted that from the First Information Report as well as the impugned order it will be evident that absolutely without being any cogent material and based on only suspicion having been raised against the petitioner that too in the last portion of the written report that Dilip Kumar, Manoj Kumar and Rudal Rai involved in the said conspiracy and committed the offence, the instant F.I.R is lodged. From the F.I.R.



and materials which have been collected during investigation, it transpires that one Sumitra Devi purchased a piece of land being Khata No.-52, Khesra No. 248, Area- 0.18 decimals through the registered deed dated 04.03.1970. This petitioner has no concern with Sumitra Devi and he is not even co-villager of Sumitra Devi.

6. It has further been submitted that petitioner has been made accused in (i) Industrial Area P.S.Case No.138 of 2024, under sections 318 (4), 338, 336(3), 340(2), 61(2) of the Bharatiya Nyaya Sanhita, 2023, (ii) Industrial Area P.S. Case No.176 of 2024 under sections 420, 467, 468, 471, 120(B) of the Indian Penal Code (iii) Bidupur P.S. Case No.795 of 2024 under sections 318(4), 338, 336(3), 340(2), 61(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023, (iv) Complaint Case No.3111 of 2017 under section 420 of the Indian Penal Code. Out of which the petitioner is on bail in Complaint Case No.3111 of 2017, which would be apparent from the statement made in paragraph-3 of the bail petition.

7. It has next been submitted that co-accused Rudal Rai has also been granted bail by a Coordinate Bench of this Court vide order dated 01.07.2025, passed in Cr. Misc. No. 39248 of 2025.

8. In this case the informant was noticed and learned counsel representing the informant has appeared and has vehemently opposes the prayer for bail of the petitioner. It has



been submitted by the learned counsel for the informant that they have formed a gang and are in connivance with the officers of Registry Office, Muzaffarpur creating forged documents, forged sale deed in the name of their family members of the gang, who is very active in that particular area. From the enquiry being made as to whether there is specific allegation in the F.I.R. and the conduct for which the name of the petitioner has been mentioned in the concluding portion of the F.I.R., then on those scrutiny, the specific conduct of the petitioner Manoj Kumar has not been shown in the F.I.R. by the counsel for the informant and further in paragraph-68 of the case diary no complicity of the petitioner in the instant case has been mentioned, which the informant had referred during the course of hearing but has not disputed the factual position.

9. This Court was taken to the investigation carried out by the Investigating Officer and the materials which has been discussed by the Investigating Officer to show that it does not implicate the petitioner in any manner.

10. Considering the fact that there is no direct allegation against the petitioner with regard to his complicity, besides the allegations which has been referred with regard to the conduct of other co-accused person, who has been granted bail by this Court vide order dated 01.07.2025, passed in Cr. Misc. No. 39248 of 2025, this Court is of the opinion that the above named petitioner,



be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Industrial Area P.S. Case No. 180 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Ajit Kumar, J)

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