

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50009 of 2024

Arising Out of PS. Case No.-9830 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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Ajay Kumar Srivastava S/O Late Yugal Kishore Lal R/O Mohalla-brahampur,
P.S.-Phulwarisharif, Distt-Patna

.. ... Petitioner

Versus

1. The State of Bihar
2. Nand Kishore Kumar S/o Kamleshwar Prasad R/o Village-Brahampur, P.S.-
Phulwarisharif, District-Patna

.. ... Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Satya Ranjan Sinha, Advocate
For the Opposite Party/s :	Mr.Mithlesh Kumar Khare, A.P.P.
	Mr. Praveen Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

10 27-02-2025 Heard learned counsel for the petitioner, the State and
opposite party no.2.

2. Petitioner apprehends arrest in a case registered for
the offence punishable under sections 420/406 of the Indian
Penal Code.

3. As per the prosecution case, petitioner Ajay Kumar
Srivastava in connivance with his son Abhishek Deep executed
a registered sale deed in favour of the complainant after
receiving entire consideration amount of Rs.21.99 lacs in
respect of an area of 1.9976 decimals of the land of Mauja-Beur
having Thana No. 33, Tauzi No. Bihar Sarkar, Khata No. 290,
Plot No. 1073 at Sub Registry office Phulwari Sharif, P.S.-
Phulwari Sharif, District-Patna concealing the fact that the said
land had already been mortgaged by accused persons with UCO
Bank, Phulwari Sharif Branch, Patna in the year 2016 itself and
in the month of July 2023 when the complainant received notice
of Mutation Appeal case No. 1031/2023-24, then only he could



know this forgery committed by the petitioner and his son.

4. Learned counsel appearing for the petitioner submits that the Complainant is a Land Broker/ Agent and the petitioner has executed a sale deed in the year 2020 with regard to his other plot and in the same transaction complainant being an agent kept some signed blank pages from the petitioner and petitioner out of fiduciary relation given the same but complainant in connivance with son of the petitioner (Accused no. 2 in the instant case) intentionally used signed paper of the petitioner which he gave in the year 2020. It is further submitted that petitioner has lodged F.I.R. against the Complainant and Accused no. 2 namely Abhishek Deep, son of the petitioner for above mentioned forgery vide Phulwarishrif P.S. case no. 144/23 under section-448/406/420/506/34 of Indian Penal Code dated 02.02.2023. petitioner has neither registered the concerned plot nor he has received any amount in this respect. Petitioner also filed Mutation Appeal No. 1031/2023-24 in the Court of DCLR, Patna to cancel the said jamabandi. Petitioner has filed a Title Suit No. 107/2023 before the court of Sub-judge I, Patna for cancellation of sale deed.

5. Learned counsel for the State and the complainant oppose the prayer for bail. Learned counsel for the complainant submits that the petitioner is named in the FIR with specific allegation that the petitioner in connivance with his son Abhishek Deep executed a registered sale deed in favour of the complainant after receiving entire consideration amount of Rs.21.99 lacs concealing the fact that the said land had already been mortgaged by accused persons with UCO Bank, Phulwari Sharif Branch, Patna in the year 2016 itself and in the month of July 2023. It is further submitted that Phulwarisharif Police



Station Case No. 144/2023 was registered by the petitioner against his son only to create defence. Title suit has been filed by the petitioner with ill motive.

6. Considering the nature and gravity of allegation, prayer for bail of the petitioner is rejected.

(Prabhat Kumar Singh, J)

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