

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50621 of 2024

Arising Out of PS. Case No.-715 Year-2023 Thana- RUPASPUR District- Patna

Santosh Kumar Bharti @ Santosh Singh Son Of Ram Barat Singh Resident
Of Vill- Parthoo, P.S.- Pipra Punpun, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dharendra Kumar Sinha, Advocate
For the Informant	:	Mr. Sudha Ambastha, Advocate
For the State	:	Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

13 12-05-2025 Heard learned counsel for the petitioner, learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Falka
P.S. Case No. 171/2024 registered for the offences under
Sections 310(4)/ 310(5) of B.N.S. and Sections 25(I-B)a, 26 and
35 of the Arms Act.

3. As per F.I.R., the petitioner and another co-accused
has sold a land bearing Khata No.162, Khesra No.1155 to the
informant Akash Kumar alleged to be a purchased land of the
co-accused Sunita Devi through sale deed No. 8256 and a power
of attorney was also executed by Sunita Devi in favour of his
son Navin Kumar on 09-02-2021 and said co-accused Navin
Kumar executed a sale deed in respect of one katha ten dhoors



@ Rs. Forty lacs per katha and the informant paid consideration amount of Rs. Sixty lacs out of which Rs. Fifty lacs through demand draft to Navin Kumar while Rs. Ten lacs were paid to the petitioner Santosh Bharti @ Santosh Singh and his wife Pinki Devi through NEFT. The informant further gave Rs. Ten lacs to other co-accused through cash in different transactions of Rs. 20 thousand to 25 thousand and the informant took the said money as loan from Bank and his friends and family members. The informant also took loan from the Bank of Baroda and has already paid Rs. Eight lacs through EMI in this regard. It has been further alleged that the informant got the land mutated in his name and started construction of boundary wall of the said land, but some persons came and damaged the under-construction work and caused loss to the informant of Rs. 15 lacs. The informant went at the place of occurrence and got knowledge that there were many claimants of his purchased land. Through enquiry in Registry Office, Patna, and Danapur, it was revealed to the informant that the said land was purchased by Sunita Devi from one Chunnu Kumar and she was put in possession of the said land and then she executed power of attorney in his son's name and she herself sold the said land to the different persons and no land remained for sale. Thereafter,



her son Navin Kumar sold the said land to the informant and in this way the accused Sunita Devi and her son Navin Kumar and other co-accused including the petitioner cheated the informant and grabbed Rs. Sixty lacs from him and further caused loss to the informant of Rs. Thirty Nine lacs due to their said act. When the informant demanded his money from the petitioner Santosh Bharti @ Santosh Singh, the accused Pinki Devi, Sunita Devi and Navin Kumar, they all threatened to kill him.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the dispute is purely civil to which a criminal colour has been given. The learned counsel has further Submitted that the petitioner is neither the land owner nor the vendor of the said sale deed and he had also neither identified or stood as witness to the sale deed. It has been submitted by the learned counsel for the petitioner that the original owner Chunnu Kumar and his wife Pinkey Kumari as well as Sunita Devi, the executrix of Power of Attorney have all been granted anticipatory bail by a coordinate Bench of this Hon'ble Court. The learned counsel has further submitted that in fact he too has been cheated by the said Sunita Devi and his son Naveen Kumar and was only given a commission for the said



bargain and has nothing to do with the allegation of forging the documents or making changes in the deed as alleged by the informant. It has lastly been submitted by the learned counsel for the petitioner that for a similar offence, the wife of the informant has also lodged an F.I.R being Rupaspur P.S. Case No. 715 of 2023 in which the petitioner has been granted regular bail by a co-ordinate Bench of this Court vide order dated 11.04.2025 passed in Cr. Misc. No. 18032 of 2025 and he is in custody since 24.02.2024.

5. The learned counsel for the informant submits that the petitioner is the broker of real estate and was the kingpin in the present case. The learned counsel for the informant has submitted that the petitioner carries criminal antecedent and admittedly seven cases are pending against him which are all of similar nature. The learned counsel for the informant next submits that the petitioner using his power has got the contents of the sale deed changed and thereby has committed offence of tampering with the government documents and had also prepared fake, false and fabricated land sale deed documents along with the co-accused Navin Kumar and others.

6. The learned counsel for the informant who has also filed a counter affidavit has pointed out the details of the



counter affidavit and has brought on record that the amount which has been paid by the informant and his wife in account of the petitioner Santosh Bharti in which he was the joint account holder with the executor of the sale deed namely Navin Kumar.

7. The learned counsel for the informant has stated that it was on the payment of entire consideration amount of Rs. 60 lacs the co-accused Navin Kumar on the basis of Power of Attorney executed the fake sale deed in connivance with the petitioner as well as the connivance of the Registry Office, Patna however, she admits that on the basis of such sale deed the mutation and Jamabandi was created in the name of informant which was subsequently canceled on 03.06.2022. The learned counsel for the informant has also stated that when the informant was constructing the boundary wall and had spent almost Rs. 15 lacs the accused persons along with other in conspiracy, had demolished the boundary wall and it was claimed that the land actually belonged to the co-accused Chunnu Kumar.

8. It has further been submitted that the sale deed no. 8256 dated 23.09.2022 executed in the name of Sunita Devi was a false and fabricated document and as such, the subsequent



Power of Attorney executed in favour of Navin Kumar was a nullity in the eyes of law and therefore, any subsequent action by the said Navin Kumar and the present petitioner was a deliberate action in order to cheat and defraud the petitioner of his valuable possession over the property and also the amount which he had got from the Bank by way of loan. The informant has also stated that the land bearing Khata no. 162, Khasra No. 1155, Deed no. 8256, Thana No. 20 which was shown to the informant was never sold by Chandan Kumar to Sunita Devi as has been falsely claimed by the petitioner and other co-accused persons, however, the actual owner of the said land was somebody else and the entire transaction entered with the informant was based on forged and fabricated document.

9. The learned counsel for the informant has lastly submitted that the fraudulent and criminal action of the petitioner and the co-accused has caused substantial financial loss and mentally agony to the informant and thus, the petitioner who was instrumental in getting the said forged sale deed executed in favour of the informant should not be granted the liberty of bail.

10. The learned APP for the State also supports that submissions made by the learned counsel for the Informant.



11. Considering the aforesaid submissions made by the respective parties and taking into account that the petitioner who carries criminal antecedent of similar nature, though was not directly the owner of the property or the executor of the sale deed but had admittedly received some amount in the aforesaid transaction between the co-accused Navin Kumar and the informant as is evident from the money trail which was connected with the accounts of the petitioner, I am not inclined to grant the petitioner the liberty of regular bail for the present.

12. The application is dismissed.

13. However, the petitioner shall be at liberty to renew his prayer for regular bail once the charges are framed.

(Sourendra Pandey, J)

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