

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45294 of 2024

Arising Out of PS. Case No.-432 Year-2023 Thana- BAIKUNTHPUR District- Gopalganj

Shatrudhan Singh S/O Late Ram Singh @ Rama Singh R/O Village- Murwa,
P.S.- Isuapur, Dist.- Chhapra, Saran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Murari Mishra

For the Opposite Party/s : Mr. Shekhar Singh, Sr. Advocate

Mr. Sumit Kumar, Advocate

For the State : Mr. Anand Kishore Choudhary

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

9 15-05-2025 Heard learned Counsel for the petitioner, learned Senior counsel for the O.P. No.2 and learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 467, 468, 471, 420 and 34 of the Indian Penal Code.

3. The allegation in the First Information Report is that the petitioner has fraudulently sold the ancestral land of the informant to accused no. 2, Babita Kumari. There is a further allegation against another co-accused, Santosh Kumar, that he prepared forged and fabricated documents.

4. Learned counsel for the petitioner submits, at the



outset, that the petitioner has not committed any fraudulent act but rather the petitioner has sold his own share of land which is his maternal property. It has been submitted by him that while Bhola Singh is the ancestor of the informant, Sita Ram Singh is the grandfather (nana) of the petitioner and the said Sita Ram Singh had three daughters, out of which one of the daughters, namely, Laichi Devi, was the mother of the petitioner. The genealogical table showing the relationship has been brought on record on behalf of the petitioner *vide* Annexure-P/3 to the rejoinder affidavit filed on behalf of the petitioner.

5. The attention of the Court is also invited to a sale deed executed by one Champa Kuar, who also happens to be one of the sisters of the petitioner's mother and the said document has been brought on record by way of Annexure-P/4. On the strength of these documents, learned counsel for the petitioner has made a submission that it is not a fact that Sita Ram Singh had only one daughter but actually there were three daughters, who are not given a share in the property and the petitioner has only sold a part which fell in his share. Further, it has also been submitted that the case is purely of civil nature and two of the co-accused persons, one being the purchaser and the other, on whom there is an allegation of creation of forged



documents, both have been both granted the privilege of anticipatory bail by a co-ordinate bench of this Court *vide* order dated 23.05.2023 passed in Cr. Misc. No.34055 of 2024 and the same has been annexed as Annexure-P/2 to the present application.

6. Mr. Shekhar Singh, Learned Senior Counsel appearing on behalf of the opposite party No. 2, however, strongly objected to the contentions made on behalf of the learned counsel appearing for the petitioner submitting that the petitioner is in no way related to the family, which would be evident from the genealogical table, which has been brought on record by way of a counter affidavit filed on behalf of O.P. No. 2, which is annexed as Annexure-1 to the same. This genealogical table would make it clear that Sita Ram Singh had only one daughter. Further, it has also been submitted that the petitioner, being an outsider, has created forged and fabricated genealogical table during the pendency of the present application and in connivance with the Sarpanch has brought the same on record, the authenticity of which is under serious challenge. Learned Senior Counsel has also submitted that the conduct of the petitioner has not been good as his name has appeared in other sale deed which is a subject matter of inquiry.



7. Taking the rival contentions into consideration, this Court is of the view that the matter predominantly has a civil colour and the O.P. No. 2 has other alternative remedies available in law which can be resorted to. It has also been taken into consideration that there are two versions provided by both the parties to the litigation and the same is not possible to be thrashed out at this stage. Hence, taking into consideration the fact that the alternative civil remedies is available to the O.P. No. 2 and the petitioner till today, has no criminal antecedent, I am inclined to extend the privilege of anticipatory bail to the petitioner. The O.P. No. 2 is also free to submit any application or inform any fact which is in the knowledge of the O.P. No. 2 with regard to the present case before the I.O. of the case and if the same is valid and genuine, the same would be taken into consideration.

8. Considering the above facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj, in connection with Baikunthpur P.S. Case No. 432 of 2023, subject to the



condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482 (2) of the B.N.S.S., 2023 and subject to the further condition that the petitioner shall co-operate in the investigation/trial.

(Soni Shrivastava, J)

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