

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47178 of 2024

Arising Out of PS. Case No.-588 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

Prashant Kumar Sinha Son of Chandra Bhushan Prasad R/O Village- Chutia,
F.C.I. Road, Police Station- Chutia, District- Ranchi, Jharkhand

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Girija Nandan Sharma Son of Late Bachchu Sharma R/O Tejbigha, P.S.-
Kako, Dist.- Jahanabad

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Mr.Kundan Kumar Singh
For the State	:	Mr.Jai Narain Thakur
For Opposite Party No. 2:	:	Mr. Pramod Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 7 10-01-2025
1. Heard learned Counsel for the petitioner, learned Counsel for the Opposite Party No. 2 and learned Additional Public Prosecutor for the State.
 2. This application, for grant of anticipatory bail, arises out of Complaint Case No. 588 (C) of 2018, in which cognizance has been taken for the offences punishable under Sections 406/420/467/468/471/120-B of the Indian Penal Code and Section 138 of the Negotiable Instruments Act, 1881.
 3. The allegation against the petitioner, on the basis of the complaint petition, is that the complainant, his relatives



and friends, purchased about 7½ acres of land at mouza Turup, in Angarha block, Ranchi, by way of registered sale deeds, dated 17.10.2011, from co-accused Jitendra Mahto, Dilip Kumar and Manish Kushwaha, in their capacity of attorney of the original landlord, namely, Sukhlahi Devi. It has further been alleged that when the complainant along with his family members went to the village and enquired about the land and its owner, it was found that the name of Sukhlahi Devi was fake and no land was standing in her name in the village. In paragraph 8 of the complaint, it has been alleged that the petitioner was also involved in the transaction, directly or indirectly. It has further been alleged that in the complaint, out of the plots mentioned in the power of attorney, including plot no. 830, the same has been sold by way of registered sale deeds on 17.10.2011, in favour of Pushpa Devi, Gyanendra Shekhar, Rajesh Chandra and Dr. Niranjana Kumar.

4. Learned Counsel for the petitioner submits that there is no specific allegation against the petitioner that he signed the sale deed as a vendor of the plot no. 830, which was sold in favour of some other persons and not in favour of the



complainant. The allegation against the petitioner is that the petitioner was also involved in the transaction, directly or indirectly, but there is no allegation against the petitioner regarding transaction of plot no. 830. He further submits that the Opposite Party No. 2 herein had lodged a case earlier, being Gardanibagh Police Station Case No. 289 of 2016, making almost similar allegation, but in the said case, the petitioner has not been made accused.

5. On the other hand, learned Counsel for the Opposite Party No. 2 opposes the prayer for anticipatory bail and submits that an agreement for sale was entered into between the petitioner and the complainant in the year 2009, having details of certain land and the petitioner promised to execute the sale deed for which a sum of Rs. 4,00,000/- was transferred in the savings account of the petitioner, bearing S. B. Account No. 20009985557.
6. In reply, learned Counsel for the petitioner submits that the agreement for sale, which has been annexed as Annexure-A to the counter affidavit, does not include plot no. 830, which is subject matter of the complaint, in question.
7. After having heard learned Counsel for the parties and



taking into consideration the nature of allegation against the petitioner and the fact that the petitioner is not the power of attorney holder or the signatory in the agreement for sale and/or registered sale deeds for plot no. 830, I am inclined to grant the petitioner privilege of anticipatory bail.

- 8. This application is, accordingly, allowed.
- 9. 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 Judicial Magistrate, 1st Class, Patna, in connection with Complaint Case No. 588 (C) of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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