

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58733 of 2025

Arising Out of PS. Case No.-1081 Year-2022 Thana- PHULWARISHARIF District- Patna

1. Tinku Kumar S/o Arjun Singh R/o village - Paigambarpur Kolhua, P.S - Ahiyapur, District - Muzaffarpur, Bihar
2. Arjun Singh S/o Late Muneshwar Singh R/o village - Paigambarpur Kolhua, P.S - Ahiyapur, District - Muzaffarpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh
For the Opposite Party/s : Mr.Madan Kumar, APP
Mr. Asfar Imam, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-09-2025 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 406, 420, 120B, 467, 468 and 471 of Indian Penal Code.

3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent the informant alleges that he was forcibly taken to the residence of accused persons, where 10-12 persons were present from before, further the accused on point of pistol got him signed on stamp paper and on some blank papers, thereafter he was informed that they



have received Rs. 60 lakhs from Arjun and rest Rs. 15 lakhs shall be given at the time of registry, further they made him partner in 51 *bigha* construction company, thereafter Arjun came and asked him to do the registry in favour of Tinku, thereafter stamp papers and blank papers would be returned, the informant registered the documents but the accused person neither gave the document back nor the money which was due.

4. The learned counsel appearing on behalf of the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant himself alleges that he executed sale deed with respect to a piece of land on 6-4-2021. It is further submitted that thereafter the instant FIR came to be instituted on 5-9-2022 and the same was sent to the learned district court on 19-9-2022. It is also submitted that had the informant executed the sale deed under fear without receiving any amount, in that event, the informant instead of instituting the instant FIR would have approached the court of competent civil jurisdiction for getting the sale deed cancelled, but then no application was filed by the informant before a court of competent civil jurisdiction for getting the sale deed cancelled rather the instant FIR came to



be instituted with a view to coerce the petitioners into submission. It is further submitted that informant in the FIR also alleged that he was assured by the accused persons that if sale deed is executed in favour of Tinku, in that event, the stamp paper and the blank paper would be returned, but then the same was not returned, still the informant did not institute an FIR and the FIR was instituted after a delay of more than an year which casts an aspersion on the case of the prosecution.

5. The learned counsel appearing on behalf of the informant submits that informant died after the FIR was instituted, as such, he is appearing on behalf of the daughter of the informant.

6. The learned APP and the learned counsel appearing on behalf of the informant opposes the anticipatory bail application but then are not in opposition to rebut the submission of the learned counsel appearing on behalf of the petitioners that no application was filed by the informant prior to or after institution of the instant FIR before a court of competent civil jurisdiction for getting the sale deed cancelled.

7. The learned counsel appearing on behalf of the petitioners, at this stage, submits that had any application been filed by the informant before a court of competent civil



jurisdiction for getting the sale deed cancelled, in that event, the petitioners would have appeared and would have got an opportunity to rebut the submission of the informant, but then the instant FIR was instituted with a view to coerce petitioners into submission.

8. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Phulwarisharif P.S. Case No. 1081 of 2022 subject to the conditions as laid down under Section 482 (2) of the BNSS.

(Satyavrat Verma, J)

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