

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66763 of 2025

Arising Out of PS. Case No.-544 Year-2024 Thana- ARA NAWADA District- Bhojpur

Sanjay Kumar Rai Son of Late Ramdular Rai Resident of Mohalla - Godhna
Raod, Ara, Police Station - Nawada in the district of Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-10-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 316(5),
319(2) and 318(4) of the Bharatiya Nyaya Sanhita (BNS) 2023.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and has been falsely
implicated in the instant case by the informant. It is further
submitted that from perusal of the allegation as alleged in the
FIR, it would manifest that no criminal offence is made out as
the informant alleges that petitioner had executed sale deed no.
8367 in favour of Shashi Bhushan Yadav, Rajesh Kumar Singh
and Sonu Kumar with respect to a piece of land. It is further
alleged that in terms of the departmental instruction at the time
of registering a sale deed, it is incumbent upon the registering



official to get the land verified. It is next alleged that accordingly, the informant requested the accused persons for getting the land verified. It is also alleged that the accused persons showed the land to the informant and the same was verified but later one person came and informed that petitioner including the accused persons have shown the wrong land and, accordingly, the informant along with the said person again went to the land which was to be registered in terms of the sale deed and found that the land was having commercial value and, as such, the government was put to loss of Rs.70,20,000/- at the time of registration.

4. Learned counsel for the petitioner submits that even presuming what has been alleged is true without admitting then also no criminal offence is made out. It is further submitted that if what the informant alleges is true in that event, the Collector under the Indian Stamp Act, 1899 can cancel the sale deed or can issue notice to the concerned person for paying the deficit amount of stamp duty but then instead of resorting to procedure established by law, the present FIR came to be instituted in complete breach of Section 47(a) of the Indian Stamp Act, 1899.

5. Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his 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) 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 Ara Nawada P.S. Case No. 544 of 2024, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Satyavrat Verma, J)

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