

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83197 of 2023

Arising Out of PS. Case No.-565 Year-2023 Thana- ARA NAWADA District- Bhojpur

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1. Parmatma Singh Son Of Late Jai Krishna Singh Resident Of Village - Gidhdha, P.S. - Koilwar, District - Bhojpur
 2. Anita Singh Wife of Parmatma Singh Resident of village - Gidhdha, P.S. - Koilwar, District - Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Disrict Magistrate Bhojpur at Ara

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 71601 of 2023

Arising Out of PS. Case No.-565 Year-2023 Thana- ARA NAWADA District- Bhojpur

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1. Rajesh Tiwari S/O Sri Satendra Nath Tiwari Resident Of Chandawa, P.S- Ara Nawada, Distt.- Bhojpur, Ara, Presently Residing At Hostel No. 4, Women's College, Science Block New Nagda Toli, Ranchi, Distt.- Ranchi.
 2. Sandip Tiwari S/O Sri Satendra Nath Tiwari Resident Of Chandawa, P.S- Ara Nawada, Distt.- Bhojpur, Ara, Presently Residing At Hostel No. 4, Women's College, Science Block New Nagda Toli, Ranchi, Distt.- Ranchi.
 3. Kanahiya Singh S/O Late Ramji Singh R/O Purawa, P.S- Brahampur, Distt.- Buxar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. District Magistrate Bhojpur at Ara

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 83197 of 2023)

For the Petitioner/s : Mr.Ganesh Prasad Singh, Advocate
Mr. Prashant Kumar Singh, Advocate
Ms. Priya, Advocate

For the Opposite Party/s : Mr.Rajendra Singh, APP
(In CRIMINAL MISCELLANEOUS No. 71601 of 2023)

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Advocate
Mr.Binod Kumar Sinha, Advocate
Mr. Ajay Kumar Prasad, Advocate
Mr. Kumar Rajdeep, Advocate

For the Opposite Party/s : Mrs.Pushpa Sinha.1, APP



Mr. Ajay Kumar Thakur, Advocate
Mr. Arun Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

9 04-03-2025 Both Cr. Misc. applications have arisen out of the same occurrence as such, they are heard together and are being disposed of by passing this common order.

2. Heard learned counsel for the petitioner and learned APP for the State.

3. The petitioners are apprehending their arrest in connection with Ara Nawada P.S. Case No. 566 of 2023 for the offence under Sections 467, 468, 471, 420, 120(B) and 34 of the I.P.C.

4. As per the prosecution story, in Cr. Misc. No. 83197/2023 petitioner no.1 Parmatma Singh had fraudulently executed a sale deed in favour of petitioner no. 2 vide sale deed no. 3317 and Token no. 3418 on 19.04.2023 on the basis of forged order in permission case no. 239 of 2022.

5. In Cr. Misc. No. 71601 of 2023, petitioner no. 1 and petitioner no. 2 are full brothers and sold their ancestral land fraudulently to petitioner no. 3 vide sale deed no. 7781, Token no. 7957 on the basis of forged order in permission case no. 86/23-24.

6. Learned counsel for the petitioners submits that the



petitioners are absolutely innocent person as such they have not committed any offence as alleged in the F.I.R. and they have falsely been implicated in this false and malicious case by the informant at the instance of enemy of the petitioners due to ulterior motive only for humiliating and harassing the petitioners. The entire story as set up by the informant based upon the so-called enquiry report and information given by the office of Consolidation Officer who themselves sent the so-called permission letter to the office of the informant. Learned counsel further submits that the petitioner no. 1 has transferred his own property to the name of his wife as a gift and since the consolidation proceeding is pending in the area since long time, under the law it was required permission from consolidation officer, therefore the petitioner had only made application before consolidation Officer, Koilwar for the said purpose and admittedly from the office of Consolidation Officer the so-called permission letter directly received after maintaining peon book as such petitioner did not prepared any forged document.

7. Learned APP opposes the prayer for bail.

8. From bare perusal of both the registered deeds executed by petitioners, namely, Parmatma Singh, Rajesh Tiwari and Sandip Tiwari in favour of Anita Singh and



Kanahiya Singh it appears that in last line of the order of Office of the Consolidation Officer, Udwananagar, Bhojpur in Permission Case No. 86/2023-24, permission was accorded to the petitioners for sale and also in Permission Case No. 239 of 2022 the competent authority i.e. Consolidation officer has accorded permission to the petitioners. The alleged two permission orders is annexed with the petition is forged and fabricated and after due enquiry made by the Committee of three senior officials it was found that the above permission order is fake and fabricated. Both petitioners have mentioned this fact that above permission order was granted by the consolidation officer and copy of the same was also obtained by him alongwith Sub-Registrar, Bhojpur. The contents of this fact certainly made the Registrar to believe the genuineness of the permission order and being influenced by the genuineness of this permission order, it was registered by him but ultimately it was found as fake and forged document, as mentioned in the registered deed. So, petitioners have placed the fake and forged document and they made the Sub-Registrar believe the same to be genuine. Keeping in view the aforesaid facts, petitioners are not entitled to benefit of anticipatory bail. Accordingly, the prayer for anticipatory bail stands rejected.



9. Before passing this order it is essential to take notice of the fact that three members committee has found the involvement of peon and office clerk of the consolidation office. In this regard the District Magistrate, Bhojpur and Cheif Secretary are directed to make enquiry regarding this fact and send a report to the Trial Court so that the real culprit may face the trial.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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