

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.79264 of 2024**

Arising Out of PS. Case No.-1740 Year-2019 Thana- SIWAN COMPLAINT CASE District-  
Siwan

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Lal Babu Bhagat @ Lal Babu Bhakt @ Lal Babu Prasad S/O Late Vishvanath  
Bhagat R/o 125, Darauli, P.S- Darauli, Siwan, Bihar- 841234.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shubhash Vishwas Son of Late Mahanand Vishwas R/o Darauli, P.S-  
Darauli, Siwan, Bihar- 841234.

... .. Opposite Party/s

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**Appearance :**

|                      |   |                                                       |
|----------------------|---|-------------------------------------------------------|
| For the Petitioner/s | : | Ms. Shweta Anand, Adv.                                |
| For the State        | : | Ms. Gulnar Begum, APP.                                |
| For the Complainant  | : | Mr. Chandra Kant, Adv.<br>Mr. Sudhanshu Prakash, Adv. |

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**CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA**  
**ORAL ORDER**

4      12-05-2025              Heard learned counsel for the petitioner and learned APP  
for the State.

2. The petitioner apprehends his arrest in a case  
registered for the offences punishable under Sections 420, 467,  
468, 471, 45 and 120(B)/34 of the Indian Penal Code.

3. The allegation in the complaint is that on 07.09.2015,  
the petitioner registered a sale deed of a land bearing Khata No.  
269, Survey No. 993, area 10 dhur for Rs. 1,35,000/- in favour  
of the complainant, which is actually not the land of the  
petitioner and hence, the petitioner cheated and duped the  
complainant.



4. At the very outset, learned counsel for the petitioner submits that the allegations made in the complaint are totally incorrect and as a matter of fact, the land which has been sold to the complainant very much stands in the name of the petitioner which he had purchased from one Smt. Saraswati Devi on 04.09.2015 and the Jamabandi has also been created in the name of the petitioner. By way of supplementary affidavit, the petitioner has brought on record the sale deed which would go to show that the petitioner got the title of the said plot of land by way of a sale deed dated 04.09.2015 executed by Saraswati Devi in favour of the petitioner (Annexure-P/3). Learned counsel for the petitioner further draws the attention of this Court to another document being Annexure-P/4 to the supplementary affidavit which shows that it is this plot of land that was sold to the present complainant by the petitioner by way of another sale deed dated 07.09.2015 and jamabandi was also created in favour of the complainant. On strength of these documents, it has been submitted on behalf of the petitioner that there is no question of any fraud as the petitioner had the valid title of the land which was sold to the complainant.

5. Learned counsel appearing for the complainant, however, opposes the prayer for anticipatory bail, besides



others, also on the ground that the petitioner has used fraudulent means to get a forged Jamabandi created, whereas no such land exists. In response to the same, learned counsel for the petitioner has pointed to Annexure-2 to the present application which is a report of an enquiry conducted by the Anchal Amin showing that the 10 dhur of land has been transferred to the complainant by way of registered sale deed and the land is empty.

6. Considering the facts and circumstances of the case and particularly that the present case is predominantly of civil nature and the complainant also has civil remedies against the petitioner, I am inclined to grant the privilege of anticipatory bail to the petitioner. 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 ACJM-III, Patna City in connection with Complaint Case No. 1740 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

**(Soni Shrivastava, J)**

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