

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79668 of 2024

Arising Out of PS. Case No.-67 Year-2024 Thana- UDWANTNAGAR District- Bhojpur

1. Raj Kumar Yadav S/o- Sri Patiram Yadav Resident of Village- Akhtiyarpur PS-Udwanthnagar, Dist- Bhojpur
2. Jay Prakash Yadav S/o- Sri Pritam Yadav Resident of Village- Akhtiyarpur PS-Udwanthnagar, Dist- Bhojpur
3. Kanhaiya Yadav S/o- Late Kamala Yadav Resident of Village- Mirachak Ara PS-Ara Town, Distt- Bhojpur
4. Yogendra Yadav S/o- Shri Ram Yadav Village- Horil Chhapra Ps-Shahpur Distt-Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Pandey, Advocate
For the Opposite Party/s : Ms. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 09-04-2025 Heard Learned Counsel for the petitioners, Learned Counsel for the Informant and Learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Udwanthnagar (Gajrajganj) P.S. Case No. 67 of 2024 dated 21.02.2024, lodged under Sections 323/341/354B/379/406/420/34 of the Indian Penal Code pending before the Court of Chief Judicial Magistrate, Bhojpur at Ara.

3. As per the prosecution, FIR has been lodged against seven named accused persons including the present petitioners.



The allegation in the FIR is that the petitioner Nos.1 and 2 have purchased the land from the informant's son in which petitioner No.3 is identifier and petitioner No.4 is the witness, by presenting a fake person before the registry office for which a complaint has been filed and cognizance has been taken.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel further submits that the criminal antecedent of the petitioners is clean. Counsel submits that Title Suit No.994 of 2023 is also pending between the purchaser and the present petitioners in pursuance to the dispute arising from the sale deed dated 13.07.2022 and 14.07.2022 has been the subject matter of the present case.

5. Learned Counsel further submits that the son of the informant has solemnized marriage with a Muslim lady without consent of her mother and it is due to this reason the informant deliberately ousted his son from her house and now he is living in Uttar Pradesh. Counsel submits that the petitioners are innocent and have committed no offence. Counsel further submits that the complaint has been filed after one year from the date of filing of Title Suit.

6. Learned APP for the State opposes the prayer for



bail of the petitioners.

7. Learned Counsel for the Informant vehemently opposes the prayer for bail and submits that title suit has been filed for cancellation of sale deed but in the present case there is specific pleading that a fake person was presented before the Registry Office and from him the deed had been executed. With this allegation the present case has been filed.

8. In the light of the submissions, this Court is of the view that if fake person is there then the purchaser, identifier and the witness all are aware about such fact. Therefore, this Court is not inclined to grant bail to the petitioners. Accordingly, the prayer for anticipatory bail of the petitioners is hereby rejected.

9. It is directed to the petitioners to surrender before the Trial Court within a period of 4 weeks from today. In case, the petitioners surrender within four weeks, then the Trial Court shall pass order on their surrender-cum-bail application on the same day without being prejudiced by the order of this Court.

(Dr. Anshuman, J)

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