

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79991 of 2024

Arising Out of PS. Case No.-514 Year-2024 Thana- RUPASPUR District- Patna

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1. Manoj Kumar Rajak S/O Lakshmi Rajak R/o - Khageri Road, Shakti nagar, P.S - Danapur, District- Patna.
 2. Umesh Kumar S/O Ram Chandra Rai R/O Kali Asthan, Pethiya Bazar, P.S- Danapur, Distt.- Patna.
 3. Deo Binay Rai S/O Rup Narayan Rai R/O Rampur, Bingewan Porampur, Saran, P.S- Town Saran, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Advocate Mr. Ghanshyam Tiwary, Advocate
For the Opposite Party/s	:	Mr. Anant Kumar I, APP
For the Informant	:	Mr. Rakesh Kr. Jha, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 01-05-2025 1. Heard learned counsel for the petitioners, learned
APP for the State and learned counsel for the opposite party no.
2.

2. The petitioners apprehend their arrest in connection with Rupaspur P.S. Case no.514 of 2024 arising out of Complaint Case No. 892 of 2024 registered under Sections 191(2), 191(3), 316(2), 318(4), 338, 336(3), 340(2) and 60 of the B.N.S, Act, 2023.

3. As per the prosecution case, the informant states that accused Ravi Kamal Kishore who was the Secretary of the Finance Department Colony (Samiti), Phulwari Sharif had sold out the land of the Samiti to accused Arvind Kumar and the said



land was further sold to the petitioners herein. It is further alleged that accused Ravi Kamal Kishore in conspiracy with other accused persons caused loss to the Samiti.

4. Learned Senior counsel for the petitioners submits that the petitioners are the purchasers of the plot in question which would be evident from the F.I.R itself. The allegation is mainly upon Ravi Kamal Kishore who knew the rules of Co-operative Department being the Secretary and has committed acts to the detriment of the Samiti. So far as these petitioners are concerned, they have purchased the plot in question by way of registered sale deed by paying consideration amount of Rs. 20,10,000/-. Learned counsel for the petitioners further submits that petitioners had also filed a title suit before the learned Special Judge, Danapur realizing that there was some defect in the said sale deed. The petitioners are no way related to Ravi Kamal Kishore who has executed the sale deed and they too have not directly purchased the said plot of land from him but have purchased the same from vendor Arvind Kumar to whom Ravi Kamal Kishore sold the plot of land. The petitioners have no criminal antecedent and undertake to co-operate in case/trial.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State and learned counsel for the



informant who submits that the petitioners are not innocent purchasers but they are in hands and gloves with the original vender being Ravi Kamal Kishore and have entered into the said agreement and purchased the said plot knowing fully well that there was difference between description of the plot of land in their sale deed and the sale deed of the vendor.

6. Taking into consideration the rival contentions of both the parties, this Court finds force in the contention of the petitioners that in case some illegality or irregularity has been committed, the same has been done by the accused Ravi Kamal Kishore and other accused persons, not the petitioners herein, who are the purchasers of the plot in question and have made payment of the consideration amount for the said purchase. Thus, it would not be proper to connect them in larger conspiracy with other accused persons. Moreover, civil remedies are available to the informant.

7. Let the petitioners, above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Rupaspur P.S. Case no.514 of 2024 arising out of Complaint Case No. 892 of 2024 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of the learned A.C.J.M-VI,
Danapur, Patna, subject to the condition laid down under
Section 438(2) of the Code of Criminal Procedure/Section
482(2) of the B.N.S.S, 2023.

(Soni Shrivastava, J)

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