

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79712 of 2024

Arising Out of PS. Case No.-45 Year-2024 Thana- SULTANGANJ District- Bhagalpur

Babloo Yadav Son of Jawaharlal Yadav Resident of Village - Gangapur, P.S.-
Sultanganj, District - Bhagalpur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Akhila Nand Singh Son of Late Radhakant Singh Resident of Village
Bhirkhurd, P.O. Udhadih, P.S. Sultanganj, Bhagalpur

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 82896 of 2024

Arising Out of PS. Case No.-45 Year-2024 Thana- SULTANGANJ District- Bhagalpur

Shambhu Sharan Rai S/O Ramkripal Roy Resident of Ambedkar Choak, P.S.-
Kotwali, Topkhanna Bajar, District- Munger, Bihar- 811201

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 79712 of 2024)

For the Petitioner/s : Mr. Prince Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 82896 of 2024)

For the Petitioner/s : Mr. Aryan Sinha, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 09-04-2025 Heard Learned Counsel for the petitioners and

Learned A.P.P. for the State in both the cases. Learned Counsel

on behalf of Opposite party no.2 also appears.

2. The petitioner of both the cases (Cr. Misc.



No.79712 of 2024 and Cr. Misc. No.82896 of 2024) apprehends their arrest in connection with Sultanganj P.S. Case No. 45 of 2024 lodged on 01.02.2024, for the offence punishable under Sections 467, 468, 471, 419, 420, 406, 120-B & 34 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against five named accused persons including the petitioner of both the cases. It has been alleged in the FIR that the petitioner namely, Babloo Yadav has got mutated the land of the informant with the help of officials in his name by virtue of a non existed sale deed/forged sale deed. The sale deed which was used for mutation in favour of the petitioner namely, Babloo Yadav is not available in his name, rather, the said sale deed was in the name of other person in the registered office. And in such, mutation, the involvement of petitioner of both the cases is alleged to have been made.

4. Learned Counsel for the petitioner of first case in Cr. Misc. No.79712 of 2024 submits that the petitioner is innocent and has committed no offence. Counsel further submits that the mutation has been done completely in accordance with law as the petitioner has purchased the land from the genuine owner and thereafter, filed a mutation case and the Circle



Officer has transferred the land in the name of the petitioner and he is in possession of the said land. Counsel submits that the remedy lies to the petitioner before the competent authority of mutation and the concerned civil court, but instead thereof, criminal case has been filed. Counsel submits that the sale deed was alleged to be made in the year 2001 and the said mutation was made in the year 2021, whereas the present FIR has been lodged in the year 2024. Therefore, such delayed FIR may not be acknowledged. This case is based on false allegation and is not sustainable in the eye of law. Counsel submits that the criminal antecedent of the petitioner is clean and he is ready to fulfill all the conditions whatsoever shall be imposed upon him.

5. Learned Counsel for the petitioner of second case in Cr. Misc. No.82896 of 2024 submits that the petitioner is innocent and has committed no offence. Counsel submits that petitioner is unnecessarily been made accused in this case and he has basically working as Circle Officer in the Sultanganj circle during his posting and petitioner has nothing to do with the land or money. Counsel further submits that whatever be the cases used to be filed for mutation, the petitioner is bound to pass order on those mutation cases and the said order was always subject to legal scrutiny before the higher forum i.e. in



the form of appeal. Counsel further submits that the petitioner has preferred appeal and that appeal was also decided in favour of the informant. Counsel submits that the said Appellate Authority upon going/verifying the correct document has passed the appropriate order. Counsel further submits that he has passed order only and only by virtue of holding the post of C.O. There is no criminal intent of the petitioner in this matter. Counsel further submits that the criminal antecedent of the petitioner is not clean as there are two cases pending against him in which he is on bail in one case and another is pending before the court below.

6. Learned Counsel on behalf of Opposite party no.2 appeared after issuance of notice. He vehemently opposes the prayer for bail of the petitioner of both the cases and submits that categorical allegation has been made in the FIR. Counsel submits that the criminal act done by petitioner of first case in Cr. Misc. No.79712 of 2024 is specific that the sale deed on the basis of which land has been transferred in his name does not belongs to him and basically a forged document has been created by him. The petitioner of first case used the said document before the Circle Officer and was placed after about 20 years and got mutation of the land in his name. Counsel



submits that according to him, petitioner of first case is the king pin in this matter. Counsel further submits that so far as petitioner of second case in Cr. Misc. No.82896 of 2024 is concerned, he has to mutate the land by virtue of the documents mentioned in the case before him. But from the order, it become clear that by virtue of the possession he has only transferred the land. It shows the intention of petitioner of second case and he is also involved in connivance with petitioner of first case. Counsel further submits that the sale deed was mutated in the year 2021 on the basis of sale deed of 2001 i.e. after lapse of about 20 years.

7. Learned APP for the State on the other hand opposes the prayer for bail of the petitioner of both the cases and submits that the Additional District & Sessions Judge-XI, Bhagalpur at the time of passing the order has gone through the documents and perused the entire records and reached on the finding which states as follows:-

“From perusal of record it transpires that the Ld. District and Sessions Judge had sent the said sale deed for verification to the registry office and after verification it was found that the said sale deed was forged and sale deed was in the name of Ganesh Pd. Singh Vs. Dhiro Das bearing sale deed No. 6056/2001.



Further, from the perusal of para 73 of the case diary it is clearly mentioned that there is no sale deed in the registry office in the name of Chandra Pd. Shekhar Singh and Babloo Yadav (petitioner) and the document given by the Circle Officer is forged.”

8. After hearing the parties and going through the documents, it become crystal clear to this Court that the involvement of the petitioner of first case is clear, therefore, this Court is not inclined to grant bail to petitioner of first case namely, Babloo Yadav in Cr. Misc. No.79712 of 2024. Accordingly, the prayer for anticipatory bail of this petitioner is hereby rejected.

9. So far as petitioner of second case namely, Shambhu Sharan Rai in Cr. Misc. No.82896 of 2024 is concerned, it transpires to this Court that he has passed order in the official capacity being a Quasi Judicial Officer and his order was always subject to scrutiny by the higher forum and it has been scrutinized and set aside. Therefore, this Court hereby grants anticipatory bail to petitioner of second case namely, Shambhu Sharan Rai in Cr. Misc. No.82896 of 2024 in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today with warning that if, he shall be found in such



involvement in future then the department shall free to take action for his such conduct, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-I, Bhagalpur, in connection with Sultanganj P.S. Case No. 45 of 2024, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dr. Anshuman, J)

Divyansh/-

U		T	
---	--	---	--

