

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84119 of 2024**

Arising Out of PS. Case No.-23 Year-2024 Thana- SABAUR District- Bhagalpur

America Yadav @ American Yadav Son of Shaligram Yadav Resident of
Village - Baghmara, P.S. - Lodipur, District - Bhagalpur (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Nurul Hoda
For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem
For the Informant : Mr. Swapnil Kumar Singh
Mr. Shubham Raj

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 19-04-2025 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 420, 467, 468, 471, 327, 384, 504 and 506 of the Indian Penal Code.
3. The learned counsel appearing on behalf of the petitioner submits that petitioner is a person with clean antecedent.
4. It is next submitted that the informant alleges that his mother Late Sulochana Devi had some land situated at Shivaydih and other Mauza of Sabour zone area, further his mother had inherited this property from her father and she was



cultivating and looking after her land, further alleges that after some time, Ashok Yadav informed that America Yadav (petitioner) is claiming the land pertaining to Khata No. 310, Khesra No. 678, area 2 acres 83 decimal as his land on the basis of his deed and have also got the mutation of the land done in his name, accordingly the informant contacted the circle office when he came to know that America Yadav (petitioner) had got a correction letter issued in his name through Mutation Case No. 2743/2021-22, it is next alleged that correction letter was issued on basis of fake and forged deed, based on which petitioner is claiming his right over the land of the informant, it is next alleged that when informant inquired from the registration office about Sale Deed No. 10982, submitted in the aforesaid mutation case, he came to know that Sale Deed No. 10982 dated 12.07.1992 is related to land of Mauza Ajmeripur, Nath Nagar and the buyer and seller are also different persons and when he came to know about this, he asked the petitioner on which he was threatened.

5. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that mother of the informant namely Sulochana Devi had executed Sale Deed No. 17324



dated 15.07.1992 in favour of the petitioner as would manifest from Annexure-2 to the anticipatory bail application, it is further submitted that after the petitioner purchased the land, he came in possession over the same and was doing cultivation. It is next submitted that thereafter the petitioner also filed Mutation Case No. 2743/2021-22 for mutating the land in his name based on the sale deed executed by the mother of the informant and accordingly the lands were mutated in the name of the petitioner.

6. The learned counsel appearing on behalf of the informant vehemently opposes the prayer for anticipatory bail of the petitioner and submits that petitioner by resorting to forgery got the land mutated in his name for the reason that informant does not stay in the village. It is further submitted that the land in dispute is maternal property of the informant as his mother got the land from her father. It is next submitted that it absolutely does not stand to reason that if petitioner had purchased the land from his mother in the year 1992 vide Sale Deed No. 17324 dated 15.07.1992 then why he got the land mutated in the year 2021. It is also submitted that an information was sought from the District Registrar Office, Bhagalpur with regard to Sale Deed No. 17324 dated



15.07.1992, by the Investigating Officer of the case, which the petitioner claims was executed by the mother of the informant. It is submitted that District Sub-Registrar, Bhagalpur vide his Letter No. 2257 dated 02.07.2024 addressed to Bijendra Chaudhary, (S.I, Sabour P.S., Bhagalpur) informed that Sale Deed No. 17324 dated 15.07.1992 has not been issued from the Registrar's office, Bhagalpur. The learned counsel for the informant next submits that the said fact also stands recorded at Para-59 of the case diary which was considered by the learned District Judge, Bhagalpur while rejecting the anticipatory bail application of the petitioner. It is submitted that mother of the informant never executed the aforesaid sale deed in favour of the petitioner which also gets corroborated from the information provided by the District Sub-Registrar, Bhagalpur.

7. The learned counsel for the informant further submits that the learned District Judge, Bhagalpur in the order impugned clearly recorded the said fact but then the petitioner in the instant anticipatory bail application has not even remotely disputed the said that the information provided by the District Sub-Registrar, Bhagalpur was not correct.

8. Considering the submissions made by the learned counsel appearing on behalf of the informant, the Court is not



inclined to extend the privilege of anticipatory bail to the petitioner.

9. Accordingly, the instant anticipatory bail application stands rejected.

(Satyavrat Verma, J)

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