

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85126 of 2024

Arising Out of PS. Case No.-6567 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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Naba Kumar Das Son of Late Brindaban Das Resident of A - 223, Peoples
Co-Operative Colony, P.S. - Kankarbagh, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanjay Kumar Sinha Son of Late Kapileshwar Prasad Sahay Resident of
Slum 36, Kankarbagh Colony Lohia Nagar, P.S. - Kankarbagh, District -
Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sarvan Kumar, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, A.P.P

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 12-05-2025 Heard Learned Counsel for the petitioner, Learned
APP for the State and Learned counsel for O.P. no.2.

2. The petitioner is apprehending arrest in connection
with Complaint Case No. 6567(C) of 2023 for the offence
punishable under Sections 323, 387, 406, 420, 467 & 120-B of
the Indian Penal Code and cognizance has been taken under
Sections 420 & 34 of the IPC.

3. As per the complaint case, it has been alleged that
the complainant has given money to the accused persons in the
name of land, but after taking money, accused persons did not
ready to execute the sale deed in the complainant's name and
due to this reason, the present complaint case has been filed.



4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that the entire case is out and out false. He submits that the basis of this case is the agreement for sale which is alleged to be prepared between the petitioner and his family members with the alleged purchaser/complainant which is annexed in the supplementary affidavit. Counsel submits that the said agreement was executed by the complainant on 20.05.2021, whereas, it was notarized on 16.05.2021. Counsel also submits that under R.T.I, information was demanded as to when the said stamp number has been purchased. Then under R.T.I, it has been informed that the said stamp was purchased and came into existence on 26.04.2023 itself. He submits that upon comparison of these two annexures, it become crystal clear that a forged document has been created by the complainant. Counsel submits that petitioner is the genuine owner of the property and he has sold the property to other person from whom he has taken money. Counsel further submits that petitioner has no criminal antecedent.

5. Learned counsel for O.P. no.2 opposes the prayer for bail of the petitioner and submits that petitioner may be directed to hand over a copy of the petition.



6. Learned APP for the State opposes the prayer for bail of the petitioner but submits that from the supplementary affidavit, it become crystal clear that under the R.T.I, the said deed has came into existence on 26.04.2023, whereas, the agreement has been prepared on 20.05.2021 and notary has put signature on 16.05.2021.

7. As such, considering the aforesaid facts and circumstances, let the above named petitioner be released on bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate 1st Class, Patna, in connection with Complaint Case No. 6567(C) of 2023, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dr. Anshuman, J)

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