

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88239 of 2024

Arising Out of PS. Case No.-544 Year-2024 Thana- ARA NAWADA District- Bhojpur

1. Rajesh Kumar Singh S/o- Radha Mohan Singh Resident of Godhana Road P.S- Ara Nawada, Dist- Bhojpur
2. Sonu Kumar Ojha @ Sonu Kumar S/o- Shumeshwar Ojha Resident of Godhana Road P.S- Ara Nawada, Dist- Bhojpur
3. Shashi Bhushan Yadav @ Shri Shashi Bhushan Yadav S/o- Ramuna Yadav Resident of Durjanchauk Mirapur P.S- Koilwar, Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Dr. (Mr.) Indiwari Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-01-2025 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 316(5), 319(2) and 318(4) of the Bharatiya Nyaya Sanhita (BNS) 2023.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and have been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that no criminal offence is made out as the informant alleges that Sanjay Kumar had executed sale deed no. 8367 in favour of Shashi Bhushan Yadav, Rajesh



Kumar Singh and Sonu Kumar with respect to a piece of land. It is further alleged that in terms of the departmental instruction at the time of registering a sale deed, it is incumbent upon the registering official to get the land verified. It is next alleged that accordingly, the informant requested the accused persons for getting the land verified. Further, the petitioners showed the land to the informant and the same was verified but later one person came and informed that petitioners have shown the wrong land and, accordingly, the informant along with the said person again went to the land which was to be registered in terms of the sale deed and found that the land was having commercial value and as such the government was put to loss of Rs.70,20,000/- at the time of registration.

4. Learned counsel for the petitioners submits that even presuming what has been alleged is true no criminal offence is made out. It is further submitted that if what the informant alleges is true in that event, the Collector under the Indian Stamp Act, 1899 can cancel the sale deed or can issue notice to the concerned person for paying the deficit amount of stamp duty but then instead of resorting to procedure established in law, the present FIR came to be instituted in complete breach of Section 47(a) of the Indian Stamp Act, 1899.



5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Ara Nawada P.S. Case No. 544 of 2024, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Satyavrat Verma, J)

Kundan/-

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

