

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89796 of 2024

Arising Out of PS. Case No.-531 Year-2024 Thana- BUXAR District- Buxar

Hari Om Mishra Son of Shashikant Mishra Resident Of Village -Keshopur,
Ps- Simri, Dist- Buxar P/A- Ahiroli Saraswati Vidya mandir NH 84, Ps-
Industrial, Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv.
For the State : Mr. Pawan Kumar Chaurasia, APP.
For the Informant : Ms. Roona, Adv.
Mr. Sanjay Kumar, Adv.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 13-05-2025 Heard learned counsel for the petitioner, learned APP for
the State and learned counsel for the informant.

2. The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 406, 420, 467, 468,
34 of the Indian Penal Code.

3. The allegation made in the FIR is that the petitioner
along with others under a criminal conspiracy created forged
documents of the informant and sold his land by registered deed
to one Sunny Kumar on 12.04.2022 which is actually the
ancestral property of the informant who is an absentee landlord
and staying in Rajasthan. It has also been alleged that with mala
fide intention, the informant has been made an accused in Buxar



Nagar P.S. Case No. 447 of 2022 by the present petitioner. It has further been alleged that a huge sum of money has been deposited in his account on the plea that the same was to be handed over to co-accused Shambhu Yadav and as a matter of fact, the same was also handed over to the said Shambhu Yadav and hence, the informant has not taken any money in lieu of the sale of his land.

4. Learned counsel for the petitioner submits that the allegations made in the FIR are totally incorrect and at the very outset points towards the fact that the said FIR has been lodged after substantial delay of more than two years for which no explanation, much less plausible, has been offered by the informant. It is further pointed out that while the occurrence is said to have taken place on 12.04.2022, the present FIR was lodged on 05.10.2024. Learned counsel for the petitioner also draws the attention of this Court to the fact that a criminal case was earlier lodged by the petitioner against the informant on 10.08.2022 wherein it was alleged that despite taking a total of Rs. 24,84,000/- from the petitioner for the purposes of registering the land in his favour, the same was not done by the informant. Thereafter, the petitioner also preferred a criminal writ application bearing Cr.W.J.C. No. 1249 of 2024 before this



Court for proper investigation of the case, but the said application was subsequently disposed of as charge-sheet has been filed in the case. The criminal case filed by the petitioner and the orders of this Court have been brought on record by way of Annexure-P/2 series. On strength of such documents, it has been contended by learned counsel for the petitioner that once the charge-sheet was filed against the petitioner, he took recourse to filing of the present case with mala fide intention making the petitioner an accused. Moreover, the allegations are predominantly civil in nature and the informant has alternative civil remedies available, but till date, the said sale deeds have not been challenged as per the instructions of the petitioner.

5. Learned APP for the State and learned counsel for the informant oppose the prayer for bail supporting the allegations levelled against the petitioner and also controvert the contentions made by the petitioner submitting that the petitioner along with other accused persons have taken advantage of his absence in Buxar and sold his ancestral property fraudulently to other persons. Learned counsel for the informant has also explained the delay in lodging of the FIR on account of the fact that the informant had no knowledge about the forgery committed and also about the criminal case filed by



the petitioner since he was not residing in the State of Bihar. It is further submitted on behalf of the informant that the informant has participated in the criminal writ filed by the petitioner and a separate criminal writ application was also filed on behalf of the informant by way of Cr.W.J.C. No. 267/2025, which is still pending adjudication.

6. After hearing the rival contentions of the parties, this Court is of the opinion that the informant and the petitioner both have their own versions of the case and both sides have filed cases against each other and also taking into consideration the fact that the case is predominantly of civil nature with regard to execution of sale deeds, I am inclined to grant the privilege of anticipatory bail to the petitioner. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Buxar in connection with Buxar (Town) P.S. Case No. 531 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

7. However, the petitioner is directed to cooperate in the process of investigation and the trial and if at any point of time,



it is gathered that the petitioner is not cooperating and if any substantial material is brought on record with regard to the same, the learned Court below would take steps to cancel the bail bonds of the petitioner.

(Soni Shrivastava, J)

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