

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8883 of 2026

Arising Out of PS. Case No.-39 Year-2025 Thana- NAYAGAON District- Saran

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1. Raju Sahani S/o Late Bali Sahani Resident of Village- Rasulpur, P.S.-
Nayagaon, District- Saran
 2. Shiv Kumar Sahani S/o Late Bali Sahani Resident of Village- Rasulpur, P.S.-
Nayagaon, District- Saran
 3. Sinhashan Sahani S/o Late Bali Sahani Resident of Village- Rasulpur, P.S.-
Nayagaon, District- Saran
 4. Shila Devi W/o Sri Raju Sahani Resident of Village- Rasulpur, P.S.-
Nayagaon, District- Saran

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Rakesh Kumar s/o-Late Baikunth Narayan Singh,R/O-3rd floor,wing
5,commercial plaza,Hotel Redison Blue,Mahipalpur,New Delhi-110037

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prashant Bhusan
Mr. Ankit Nath Jha
Mr.Nawnit Kumar Tiwary
For the Opposite Party/state: Mrs. Sucheta Yadav
For the informant : Mr. Amirtya Raj
Mr. Saket Tiwary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 27-04-2026 1. Heard the parties.

2. The petitioners apprehend their arrest in connection
with Nayagaon P.S. Case No. 39 of 2025 dated 28.02.2025
registered under Section 406 / 420 / 467 / 468 / 471 / 506 / 34 of



the I.P.C.

3. As per the F.I.R. the prosecution story in brief is that Pristine Mega Food Park Pvt. Ltd required land for company's purpose at Sonepur and for the same the informant approached a broker namely, Rakesh Singh and appointed him as dealer. Furthermore, one Raju Sahni approached Rakesh Singh and assured that 01 Bigha, 01 Katha, 10 Dhur of land bearing Khata No. 174, Khesra No. 342, Tauzi No. 3049, Thana No. 36, Mauza -Rasulpur was in his mother's possession and said that the title was also in her favour. In this connection Raju Sahni set up a meeting with Shila Devi (his wife), Shiv Kumar Sahni, Jaga Sahni and Sinhashan Sahni (his brothers) with the Company Manager Rakesh Kumar and broker -Rakesh Singh. They assured that the land had no encumbrance and that the title of the land wasn't disputed. It was asserted that Phool Devi (mother of Raju Sahni) had power to sell the land since she was the sole owner of it. Subsequently, Phool Devi met the company officials and the company purchased the land for Rs. 52,42,500/-. The said amount was transferred to different accounts on different dates. Phool Devi after receiving the money executed the sale deed in favour of the company on 25.05.2018. Later on, when the company reached out to Circle



Officer, Sonapur for mutation, it came to know that the accused persons had lost the title of the said land in Partition Suit No. 06/2003 in the court of Munsif-3, Chapra. Furthermore, their jamabandi was rejected by A.D.M Saran in Jamabandi Cancellation Case No. 31/2016. The company tried to get the refund of the money from the accused persons but the accused refused to comply and even threatened to eliminate company staffs and officials. The company then approached Prahlad Sahni who was the real owner of the land and purchased the land from him.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have not committed any offence in the manner alleged. He further submits that as per the F.I.R. the sale deed was executed by Phool Devi and not by the petitioners. The present case has been lodged after delay of 07 years after the execution of the sale deed and after the death of the executant of the sale deed i.e. Phool Devi, who died on 18.02.2021. The land sold by Phool Devi was under litigation wherein Title Appeal No. 52 / 2011 was filed in the Court of learned District Judge, Saran which was pending adjudication and the same was in knowledge of local broker Rakesh Singh who took Rs. 23,00,000/- out of the sale proceeds in cash. All



the communications regarding land deal with the informant was done by the broker who suppressed these facts from the informant. The petitioners are illiterate daily wage labourers and have falsely been implicated in the present case despite not being the executant of the deed. The petitioners have no criminal antecedent.

5. On the other hand, learned counsel for the informant vehemently opposed the prayer for anticipatory bail and submits that the petitioners are the real beneficiary and the amount of sale proceeds was transferred to different accounts of the petitioners on different dates.

6. Regard being had to the submission made by the parties, taking into consideration the nature of allegation, the fact that petitioners are not the executant of the sale deed, the vendor (Phool Devi), who executed sale deed in question has already died in the year 2021 and the petitioners have no criminal antecedent, accordingly, I am inclined to grant anticipatory bail to the petitioners.

7. Let the petitioners, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each



with two sureties of the like amount each to the satisfaction of
Kartikey Kesharwani, learned Judicial Magistrate Ist Class,
Saran at Chapra in connection with Nayagaon P.S. Case No. 39
of 2025 subject to the condition as laid down under Section 482
(2) of the B.N.S.S. 2023.

(Anil Kumar Sinha, J)

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