

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85012 of 2023

Arising Out of PS. Case No.-3 Year-2017 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Kumar Yashwant Singh, S/o Ramesh Prasad Singh, R/o Sabalpur, P.S.-
Barahat, Dist. Banka, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

2. Smt. Anita Singh, W/o Prabhas Kumar Singh, R/o Sakin- Kusaha, P.S.-
Shambhuganj, Dist.-Banka and present residing at 612/1, Railway Officers
Colony, Samastipur, District-Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Samir Kumar, Advocate
For the State	:	Mr. Anand Kishore Choudhary, APP
For the Informant	:	Mr. Abhay Shanker Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 20-01-2026 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State duly assisted by

learned counsel appearing for informant/O.P. No.2.

2. The accused/petitioner is named in the FIR and

apprehending his arrest in connection with Kotwali (Adampur)

P.S. Case No.3 of 2017 registered under Sections 406, 420,

467, 468, 465, 469, 120-B and 506 of the Indian Penal

Code.

3. Allegation against petitioner is to witness the

disputed sale deed, which was alleged to be executed with

forged documents regarding Khata No.50, Khesra No.947,



Area 2 acre 27 decimals.

4. It is submitted by learned counsel appearing for petitioner that primarily the dispute between the parties are civil in nature for which, this criminal complaint case is completely un-occasioned and unwarranted. It is submitted that this petitioner was only the witness of the disputed sale deed, which was alleged to be executed with forged document and contents regarding Khata No.50, Khesra No.947 for the area 1 acre.

5. Arguing further, it is submitted that petitioner was not the beneficiary of any transaction arising out of aforesaid deal of the land. It is submitted that a mediation was done in this matter by Mediation Centre, Patna High Court, where all three beneficiaries, namely, Bhagwan Dutt (broker), Manoj Tiwari and Gautam Kumar (seller of the land) were present and matter was sorted out. It is submitted that said mediation proceeding was not signed by this petitioner.

6. Learned APP for the State opposed the prayer of bail.

7. Mr. Abhay Shanker Singh, learned counsel



appearing for the informant/O.P. No.2 while opposing the prayer of bail submitted that the conduct of the petitioner is not fair as prior to this case, he issued a cheque for Rs.10 lakhs to the informant, which got dishonoured upon presentation and on interference by this Court only, he paid Rs. 1 lakh at the time of furnishing of bail bonds but rest of the balance amount was not paid till date to the informant. He fairly conceded that for the same, the different prosecution is pending. It is submitted that mediation proceeding was signed by the advocate of this petitioner and, therefore, it is also binding upon him. It is also pointed out that the benefit what received by the accused Bhagwan Dutt and Manoj Tiwari already returned to the petitioner, whereas the co-accused Gautam is still absconding.

8. Considering the aforesaid submissions, it appears not convincing by any stretch of argument that the petitioner as a witness is beneficiary of any fraudulent transaction, coupled with fact the dispute appears civil in nature, accordingly, the petitioner, above-named, in the event of his arrest or surrender in the court below within a period of four



weeks from today, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Kotwali (Adampur) P.S. Case No.3 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure (in short ‘CrPC’)/under Section 482(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023 (in short ‘BNSS’).

(Chandra Shekhar Jha, J.)

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