

The agreement was for land in Amaghata, Sugiyadih. After verifying the land details, the informant entered into a business deal with the accused on 10.11.2017 and paid them Rs.10,00,000 initially. Over the time, he paid a total of Rs.1,05,00,000/-. On 12.03.2018, 14 kathas of land were registered in his name, and in 2020 the informant sold it to Dr. Rajshree Bhushan. However, on 03.05.2021, the informant discovered that the land deal was fraudulent and the land was sold using a fake agreement in the name of a deceased person. When he confronted the accused, they abused and threatened him. He tried to lodge First Information Report, but police refused since there was already a case for the same cause of action. He later filed complaint petition in the Court of the Chief Judicial Magistrate, Dhanbad, which was registered as First Information Report being Saraidhela Police Station Case No.32 of 2022.

3. Learned counsel for the petitioners submits that the petitioners are innocent, they have committed no offence, and have been falsely implicated in this case. He further submits that the petitioner Jitendra Kumar Singh was only a witness to Sale Deed and had no active role in the sale transaction. The land was sold by Niraj Singh, Ajay Kumar Mishra, and Gautam Mishra to Dhiraj Singh (the informant) after proper verification. He further submits that Dhiraj Singh threatened to falsely implicate the petitioners in a criminal case. He further submits that none of the alleged charges apply to the petitioners, and no specific allegations have been made against them. He also submits that the present criminal case has been filed with malicious intent, solely to harass the petitioners.

4. Learned A.P.P appearing for the state opposed the prayer of the petitioners for grant of anticipatory bail. They submitted that the petitioners are not entitled to the privilege of anticipatory bail. They further submitted that the informant after reading a newspaper article, came to know that the petitioners had fraudulently prepared a fake agreement and sold land based on a forged agreement made in the name of a deceased person. They also contended that the petitioners presented a fake agreement, claiming it was made by the original landowner, Anant Deo Chandra, who had actually died in 2016. A person impersonating the deceased signed the fake sale deed, even though the land never legally belonged to him. They further argued that the petitioners misused and forged public documents to fraudulently create ownership papers for the land. They further contended that the petitioners acted in conspiracy, committing forgery, cheating, and criminal breach of trust.

5. In order to appreciate the arguments of the parties, I have gone through the available records including the case diary. I find that a business deal between the informant was made in November 2017. Money was being paid by the informant. So far as the petitioner Jitendra Kumar Singh is concerned, he is the witness to the deed. It is also alleged that the original land owner Anand Chandra Deo had died much before and an imposter was made to execute the document. It is also an admitted fact that the informant has also got an agreement signed by said Anant Chandra Deo, though he was already dead. The entire transaction deals with sale and purchase of land and money, which was continuing since 2017 and the First Information Report pursuant to the complaint petition was lodged on 14.02.2022. Further, from the allegations in the First Information Report, I find that it is not a case where detention or custodial interrogation is required.

6. Considering the aforesaid facts, I am inclined to allow these anticipatory bail applications. Petitioners, abovenamed, are directed to surrender before the Court concerned within four weeks from today and in the event of their surrender and/or arrest, they shall be released on 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 Chief Judicial Magistrate, Dhanbad in connection with Saraidhela Police Station Case No.32 of 2022, subject to the condition that one of the respective bailers should be close relative of the respective petitioners and the other should be a resident of State of Jharkhand, having sufficient landed property in his own name or in the name of his ancestors in which he is having share and to that effect, he has to file an affidavit before the Trial Court indicating his share in the property; with a further condition that the petitioners should cooperate with the investigation and should appear before the Investigating Officer once in every 15 days till submission of the chargesheet.

7. These anticipatory bail applications are, accordingly, allowed.

(Ananda Sen, J.)

Kumar/Cp-03