

**IN THE HIGH COURT OF JHARKHAND, RANCHI**

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**B.A. No. 10499 of 2025**

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Binay Kumar Singh, son of late Sadhu Sharan Singh, aged about 61 years, r/o Plot no.2627 Holding No.1272, 3<sup>rd</sup> street, Anantpur, PO-GPO, PS -Chutia, District Ranchi. .... **Petitioner**

-- **Versus** --

The State of Jharkhand through Anti-Corruption Bureau

.... **Opposite Party**

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**CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI**

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For the Petitioner	:-	Mr. Ajit Kumar, Senior Advocate Mr. Nilesh Kumar, Advocate Miss Sonal Sodhani, Advocate
For the A.C.B.	:-	Mr. Sumeet Gadodia, Advocate Mr. Ritesh Kr. Gupta, Advocate Ms. Sanya Kumari, Advocate Ms. Shruti Shekhar, Advocate

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**4/04.12.2025** Heard Mr. Ajit Kumar, the learned Senior counsel appearing on behalf of the petitioner as well as Mr. Sumeet Gadodia, the learned counsel appearing on behalf of the respondent-A.C.B.

**2.** This matter was taken up yesterday, out of turn, as a request has been made by the Hon'ble Supreme Court to this Court to dispose of the bail application of the petitioner within a week in Special Leave to Appeal (Criminal) No.18006 of 2025.

**3.** Yesterday, the matter was not concluded and in that view of the matter, it was posted for today. In this way, this matter was taken up out of turn, today.

**4.** The petitioner, seeking regular bail, who is in custody

since 26.09.2025 in connection with ACB Hazaribagh P.S. Case No.11 of 2025 which has been registered under section 13(2) read with section 13(1)(d) of the Prevention of Corruption Act and Sections 420, 467, 468, 471 and 120B of the Indian Penal Code and pending in the court of learned Special Judge, ACB, Hazaribagh.

**5.** The F.I.R was registered alleging therein that at 5:00pm on 25.09.2025 on a written self-statement of DySP-cum-Officer in-charge, Anti-Corruption Bureau PS Hazaribagh made at 07:00 am on 25.09.2025 alleging therein that based on preliminary enquiry no. 18/10 dated 28.07.2010 and 24/15 dated 27.08.2015 by which 23 dakhil-kharij cases were scrutinized (list of which is anneure A in the FIR) and during the enquiry it was found that 05 dakhil-kharij of different plots were cancelled in year 2013 by an order dated 16.05.2013 stating that the nature and type of the land is Gair Majurwa (Khas) Jungle.

It has further been stated that rest of the Dakhil-kharij was not disturbed, cancelled and no proceeding under section 4H of Bihar-Jharkhand Land Reforms Act, 1950 was initiated. As such, it was suspected that then concerned Circle Officer, Circle Inspector, Revenue Officer and karamchari are indulged in the same and has misused their official post. It is further alleged that one Dakhil-kharij has been done with respect to Khata No. 95 Plot No. 848 Area 28 decimal in favour of Binay Kumar Singh and Snigdha Singh who purchased the land by a registered sale deed on 10.02.2010 and Dakhil-kharij was done vide case no. 481/2010-11 dated 18.08.2010. It is further alleged that out of 01 acre of the purchased land, there is no objection with respect to 76 decimal of land and it is only on 28 decimal that

there is an objection on the ground that the nature of land is mentioned as forest. Accordingly, the present FIR has been instituted against several accused, wherein Accused no. 1 to 5 are government servants and accused no. 6 to 68 are sellers and purchasers of different portions of land.

**6.** Mr. Ajit Kumar, the learned Senior counsel appearing on behalf of the petitioner draws the attention of the Court to the contents of the FIR and submits that on the basis of Preliminary Inquiry Nos.18/2010 and 24/2015, the FIR has been registered against the petitioner. By way of reading the contents of the FIR, he submits that the allegation is made that 14 plots relating to Gair Mazuruwa Khas and Forest Land were mutated contained in Annexure-A of the FIR. He then elaborates his argument by way of reading further and submits that in plot no.95, it is alleged that 28 decimals of land which has been purchased by the petitioner, was of Gair Mazuruwa Khas/ Forest nature land. He then submits that the said land was purchased by the petitioner by way of registered sale-deed dated 10.02.2010 which was later on mutated in the name of the petitioner on 18.8.2010. He further submits that so far as the rest of the area i.e. 72 decimals were said to be raiyati land. He next submits that the only allegation is made that 28 decimals of land was Gair Mazuruwa Khas/ Forest land and that has been mutated in favour of the petitioner. He further submits that five Jamabandi Case has already been cancelled after initiating the proceeding under Section 4(h) of Bihar Land Reforms Act. He next submits that the allegations are made that the rest of the mutation proceeding were concerned, investigation was

going on. He then took the Court to the sale-deed annexed with the petition and submits that the said land was purchased by the ancestors of the seller of the land in the year 1915 and 1918 and in view of that, false allegation is made against the petitioner. He next submits that in light of the Annexure-A, which is part of the FIR, the name of the petitioner is not there and in spite of that, the case has been registered against the petitioner. In this background, he submits that in light of section 4(h) of Bihar Land Reforms Act, even if the proceeding was not initiated by the Department, the petitioner is not liable. He further submits that there are catena of decisions on the issue in question that the mutation cannot be said to be a factor to decide the right, title and interest of anybody and he relied in the case of ***Naresh Kumar v. State of Jharkhand and Others*** passed by this Court in **W.P.(S) No.7354 of 2019** as well as in the case of ***Amitesh Kumar Sahay v. State of Jharkhand*** reported in **2023 SCC OnLine (Jhar.) 2284**. Relying on the said judgments, he further submits that the long standing Jamabandi was the subject matter in that cases and it has been held that long standing Jamabandi cannot be cancelled. He next relied in the case of ***Manish Kumar Kapsime v. State of Jharkhand*** reported in **2013 SCC OnLine (Jhar.) 231, Municipal Corporation, Aurangabad, through Its Commissioner v. State of Maharashtra [Civil Appeal No.1968 of 2015]** and further in the case of ***State of Jharkhand, through its Principal Secretary v. Pradip Modi [LPA No.683 of 2018]*** as well as in the case of ***Most. Fatima Khatoon v. State of***

*Jharkhand, through Its Chief Secretary [W.P.(C) No.1447 of 2017], Tapeswar Nath Mishra v. State of Jharkhand, through, Deputy Commissioner [W.P.(C) No.7770 of 2011], and Sabitri Devi v. State of Jharkhand [W.P.(C) No.401 of 2021 and W.P.(C) No.6147 of 2023] and further in the case of Mahendra Singh and Another v. State of Jharkhand [W.P.(C) No.6609 of 2013], Lalan Pandey, through his Power of Attorney Holder Umesh Jain v. State of Jharkhand through Secretary, Department of Registration and Others [W.P.(C) No.1246 of 2025] and in Umesh Jain v. State of Jharkhand in W.P.(C) No.4967 of 2024, Nawal Sharma v. State of Jharkhand Cr.M.P. No.1873 of 2015, Dilip Kumar Pandey and Another v. State of Jharkhand in Cr M.P. No.1356 of 2016, Satendra Nath Shahdeo v. State of Jharkhand and Others in W.P.(C) No.2318 of 2022, Samiudullah v. State of Bihar and Ors. SLP (C) No.(S) of 2025 @ Diary No.12674/2024, Jai Prakash Singh v. State of Jharkhand in Cr.M.P.No.1646 of 2016 and Dinesh Singh v. The State of Jharkhand in W.P.(C) No.7325 of 2011.* Relying on the above judgments, he submits that in the Cancellation of Jamabandi, long standing Jamabandi and protected Forest was the subject matter and it has been held that long running Jamabandi cannot be cancelled and further the mutation cannot confer right, title and interest. He also draws the attention of the Court to the Annexure-4 brought on record by way of filing the supplementary affidavit and submits that once the Notification is there of the year 1953

with regard to the protected forest, he submits that in view of that Notification, even after 30 years, that is not in force. He lastly submits that the petitioner is in custody from 25.09.2025 and in these backgrounds, he submits that the petitioner may kindly be released on regular bail.

**7.** Per contra, Mr. Sumeet Gadodia, the learned counsel appearing on behalf of the respondent-A.C.B vehemently opposes the regular bail application of the petitioner and submits that the subject matter of the investigation is not the right, title and interest rather, the criminality, which is being investigated by the A.C.B. He then submits that there are materials on record to suggest that the said mutation was done in favour of the petitioner in connivance with the Government officials, particularly, the then Deputy Commissioner, who was posted at Hazaribagh. He also submits that it has come in the investigation that there is mass destruction of data and the documents with regard to the allegations against the petitioner. He also submits that in the investigation, it has been revealed that there are huge amount of money trail between the petitioner and the then Deputy Commissioner and his family members. He then submits that he will take the Court one-by-one to the documents to demonstrate as to how the case has been registered and is being investigated against the petitioner. He then draws the attention of the Court to the contents of the FIR and submits that it has been stated that Khata No.95, Plot No.848, area having 28 decimals was purchased by the petitioner and his wife namely, Smt. Snigdha Singh and it has been also

mutated. However, the mutation and Jamabandi have already been cancelled and in view of that, 28 decimals of land was illegally mutated in favour of the petitioner. By way of referring to the sale-deed, he submits that it has been executed by Bhagwan Prasad Gupta and others seeing that they are the successor-in-interest of the old raiyats who have said to be purchased the property in the year 1915 and 1918. He then draws the attention of the Court to the mutation document contained in page no.46 and submits that the said land Jamabandi is created in the name of Pradeep Kumar Jain and Rajesh Kumar Jain, son of Kishan Lal Jain, whereas, the seller name is said to be Bhagwan Prasad Gupta, Ishwar Dayal Gupta and others. He submits that it further strengthens the investigation of the A.C.B. and the original Jamabandi is still in the name of Pradeep Kumar Jain, Rajesh Kumar Jain, whereas, the sale has been done by Bhagwan Prasad Gupta and others. He next draws the attention of the Court to paragraph no.18 of the case-diary filed by the A.C.B. and submits that, that fact has also come in paragraph no.300 of the case-diary and he has placed the said paragraph in the Court proceeding. He then submits that in paragraph no.300 of the case-diary, it has also come that original raiyats are the Jains. He further submits that in course of the investigation, the statement of one Alka Kumari was recorded under section 183 of the BNSS, 2023 and she has stated that due to undue influence exercised by the then Deputy Commissioner, namely, Vinay Kumar Choubey, she was compelled to pass the mutation order in favour of the petitioner and his wife. He further draws the attention of the Court

to the statement of Alka Kumari and submits that she has also stated that when she was called in the Chambers of the Deputy Commissioner, one another person was sitting there and he has introduced Binay Kumar Singh, who happened to be this petitioner. He then submits that initially the show-room of the petitioner was seized by the ACB and at that time the computer and other documents were also seized. He next submits that, however, later on, the ACB has decided to un-seize the show-room and in the investigation it has been revealed that several data and the documents have been interfered with and mass deletion of data was there. He next submits that the Letter no.2202 dated 18.11.2025 of Circle Officer (Sadar), Hazaribagh has been received by the ACB wherein he has disclosed the original document, i.e., land record of Mutation Case No.481 of 2010-11 was found to be missing and not-traceable. He then submits that the Sanha has been registered by the Circle Officer. He also submits that there is huge money trail between the petitioner and the then Deputy Commissioner and the family members of the Deputy Commissioner and this petitioner. He further submits that there is another case being ACB P.S. Case No.9 of 2025 which relates to Liquor Scam. He next submits that in that case, the present petitioner is also one of the accused and in that case, it has been revealed that a sum of Rs.5 Crores (Five Crores) was paid to Vinay Kumar Choubey who is closely associated with the present petitioner. He then submits that it has also been revealed that Vinay Kumar Choubey has stated that all money-related transactions of Vinay Kumar Choubey will be done by this

petitioner. He then submits that the co-ordination between the petitioner and Vinay Kumar Choubey has come in paragraph no.311 of the case-diary. The Deputy Superintendent of Police-Cum-Officer Incharge, ACB, namely, Sri Santosh Kumar has also stated in his statement about all these facts and as to how this petitioner and Vinay Kumar Choubey and his family are associated. He then submits that one M/s Brahmastra Education Private Limited is also under the scrutiny and in that company Kshitij Tripathi and Swapna Sanchita are the Directors who are the brother-in-law and wife of Vinay Kumar Choubey, respectively and it has also been disclosed that from 01.04.2010 to 09.07.2015 approximately Rs.3.16 Crores was deposited in cash in the account of M/s Brahmastra Education Private Limited of which the brother-in-law and the wife of Vinay Kumar Choubey are the directors. He also submits that a sum of Rs.72,97,500/- was paid by M/s NexGen Solution Technologies Private Limited in the account of the wife of Vinay Kumar Choubey. He next submits that, however, all these facts have also been accepted in the supplementary affidavit filed by the petitioner. He also submits that the Deputy Superintendent of Police- Cum- Officer In-charge, ACB has also disclosed in paragraph no.5 that there is mass deletion of facts from the digital devices to delete the evidence of money trail. He submits that if, at this stage, the petitioner is granted regular bail, the ACB is having serious apprehension that the petitioner will tamper with the evidences. On these grounds, he submits that the regular bail to the petitioner may kindly be rejected.

**8.** Mr. Ajit Kumar, the learned Senior counsel appearing on behalf of the petitioner, in reply, vehemently opposes and tried to demolish the argument advanced by the learned counsel appearing on behalf of the respondent-ACB. He again took the Court to the contents of the FIR and submits that the investigation is going on against the petitioner for 28 decimals of alleged illegal mutation or purchase of the land, however, the name of the petitioner is not there in the Annexure-A. He then submits that in paragraph no.142 of the case-diary, it has come that the document of the said mutation is in jeopardized condition, however, the ACB has wrongly stated that the document is missing. He further submits that in paragraph no.174 also, that fact has come in the case-diary. He draws the attention of the Court to the Sections 12, 13 and 14 of the Bihar Tenants Holding (Maintenance of Records) Act, 1973 and submits that the procedures are prescribed therein as to how the mutation has to be done and when any application is made in light of the provisions made therein, the Circle Officer is bound to pass the order. He next submits that Alka Kumari is also an accused and her statement has been taken, which cannot be without compliance of the proviso to Section 183 of BNSS, 2023. By way of referring the documents with regard to the payment made in the year 2023 to the wife of Vinay Kumar Choubey, he submits that she is a qualified lady and she was providing consultancy works to M/s NexGen Solution Technologies Private Limited and in view of that, she was paid by M/s NexGen Solution Technologies Private Limited. He also submits that the Car was purchased by Vinay

Kumar Choubey at the price of Rs.6,69,000/- and the payment was made by him, however, that Car was purchased in the name of his father and even wrongly that has been shown as money trail by the A.C.B. He next submits that these facts have been disclosed in the paragraph no.40, 42, 44 and 45 of the supplementary affidavit filed by the petitioner. He then submits that, in these backgrounds, the ACB is unnecessarily harassing the petitioner and the petitioner may kindly be released on regular bail.

**9.** In view of above submissions of the learned counsels appearing on behalf of the parties, the Court is examining this matter keeping in mind that 'bail is a rule, and jail is an exception'.

**10.** In course of the argument, it has been pointed out that the petitioner-herein is also accused in ACB P.S.Case No.9 of 2025, in which, he has been granted anticipatory bail and it has been further pointed out that ACB has filed the application before the same court to cancel the anticipatory bail of the petitioner on the ground of tampering with the evidence, in which notice has already been issued by the learned court.

**11.** What has been noted herein-above, in the arguments of the learned counsel appearing on behalf of the petitioner as well as the respondent-A.C.B, it transpires that the then Circle Officer namely, Alka Kumari has stated in her statement under section 183 of the BNSS, 2023 that she was called by the then Deputy Commissioner namely Vinay Kumar Choubey in his Chambers and the person who was sitting there was introduced to her saying that he was Binay Kumar Singh, who is the

petitioner and she has also stated that she was forced to pass the mutation order in favour of Binay Kumar Singh (petitioner) and his wife. She has also disclosed that the report with regard to the land was also prepared on the direction of the then Deputy Commissioner of Hazaribagh. The nexus of the petitioner along with the then Deputy Commissioner has come in several paragraphs of the case-diary, which has been noted in the argument of the learned counsel appearing for the respondent ACB and those paragraphs have been perused by the Court. In paragraph no.298 of the case-diary, it has been recorded that the Team was constituted to find the original records of the Mutation Case No.481 of 2010-11 and the Team has not been able to find out the original record and a Sanha was registered. In paragraph no.300 of the case-diary, it has come that the name of the raiyati of the said land is recorded as Pradeep Kumar Jain and Rajesh Kumar Jain and in the mutation order, the raiyat is said to be Jains, however, the land has been sold by Bhagwan Prasad Gupta and others and it is stated that the said land was purchased by the ancestors of the seller in the year 1915 and 1918. It has further revealed in the investigation that there is no relationship between the seller and said Jains. In the statement of Sri Santosh Kumar, Deputy Superintendent of Police- Cum- Officer Incharge, ACB, Ranchi it has come that how money transaction has taken place between the petitioner and Vinay Kumar Choubey and his family. The amount is huge and it has been stated by him that Rs.72,97,500/- was credited in the account of the wife of Vinay Kumar Choubey. However,

only one Bill is there, however, TDS document has been brought on record in the supplementary affidavit saying that prior to that also the TDS was deducted. The further materials are there with regard to one company namely, M/s Brahmastra Education Private Limited of which the Directors are the brother-in-law and the wife of Vinay Kumar Choubey and in that case approximately Rs.3.16 Crores were deposited in cash.

**12.** In light of the materials on record, there are prima facie materials against the petitioner. It has further come in the investigation that there is deletion of mass data from the computer and other devices of the petitioner's company and the petitioner has already been granted anticipatory bail in ACB PS Case No.9 of 2025 and the ACB has been compelled to file the cancellation of anticipatory bail in which notice has been issued by the competent court.

**13.** It is well-known that while granting bail, the Court has to keep in mind, the nature of accusation, nature of evidence in support thereof, and severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations. It has also to be kept in mind, that for the purpose of granting bail, the Legislature has used the words, "*reasonable grounds for believing*" instead of "*the evidence*" which means that court dealing with the grant of bail can only satisfy itself as to whether there is a

genuine case against the accused and that the prosecution will be able to produce prima facie evidence in support of the charge. It is not expected at this stage, to have the evidence establishing the guilt of the accused beyond reasonable doubt.

**14.** Prima facie, the present case involves serious, structured and systematic fraud undertaken with the deliberate intention to grab the land of the State. The seriousness of the offence becomes worse with the involvement of public officials and the creation of the fake documents and efforts to make those false documents to appear genuine by misusing the official systems and legal procedure. Furthermore, as per the allegation levelled in the F.I.R as well as the materials collected during the course of investigation, it is alleged that the present petitioner in collusion with other co-accused, prepared and used forged and fabricated document as genuine with an intention to illegally acquire the valuable land of the State.

**15.** There are prima-facie materials and the apprehension of the respondent-A.C.B cannot be ruled out, that if the petitioner is granted regular bail, the petitioner will tamper with the evidences, as instance is already there which prima-facie further strengthened in light of the notice issued by the concerned court with regard to cancellation of the anticipatory bail of the petitioner in A.C.B. P.S. Case No.9 of 2025.

**16.** The Hon'ble Supreme Court has considered the economic offence in the Case of ***Subrata Chatteraj v. Union of India*** reported in ***(2014) 8 SCC 768***, ***Y.S. Jagan Mohan Reddy v. C.B.I.*** reported in

**(2013) 7 SCC 439** and in the case of **Union of India v. Hassan Ali Khan** reported **(2011) 10 SCC 235** and the gist of those judgments speak of that economic offences having deep-rooted conspiracies and involving huge loss of public funds need to be viewed seriously and considered as grave offence affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country. The *modus-operandi* as adopted by the petitioner which has come on the record in connivance with the then Deputy Commissioner. The tampering of the evidences, if the petitioner is granted regular bail, prima-facie, cannot be ruled out that too, seeing the influence of the petitioner.

**17.** In view of above facts, reasons and the analysis, this Court is not inclined to grant regular bail to the petitioner at this stage, and accordingly, this bail application being B.A.No.10499 of 2025 is, hereby, dismissed.

**( Sanjay Kumar Dwivedi, J.)**

Dated: 04<sup>th</sup> December, 2025

SI/

**A.F.R.**

Uploaded on 05.12.2025 .