

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42783 of 2015

Arising Out of PS.Case No. -72 Year- 2015 Thana -BEGUSARAI TOWN District- BEGUSARAI

1. Dilip Paswan son of Popal Paswan resident of Village - Barieghu, P.S. - Begusarai Mufassil, District - Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pravin Kumar, Advocate

For the Opposite Party/s : Mr. Smt. Meena Singh(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-10-2015

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 420, 467, 468, 471/34 of the Indian Penal Code.

The prosecution case is that the informant has an ancestral land in Begusarai market being plot nos. 1331 and 1334 measuring an area of 7 katha and 7 dhurs in which informant's share is 4 katha and 4 dhurs and rest is the share of Dr. Sanjeev Kumar Agarwal, wherein certain portions were in dilapidated condition. The Apex Court directed the District Administration to demolish the dilapidated portion, but on the rest of the portion there are tenants, who in collusion with others filed Title Suit No. 697 annexing therein copy of the sale deed dated

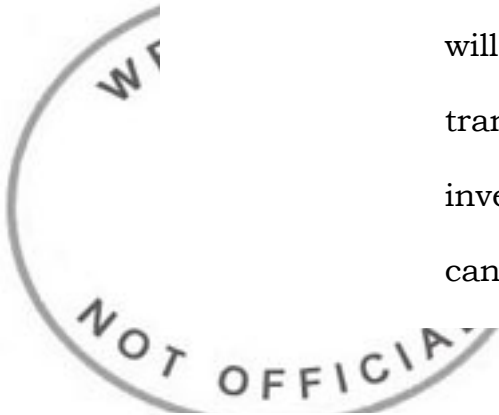
24.05.1907, which is absolutely false and fabricated documents.

It is submitted by the learned counsel for the petitioner that Syed Sultan Ahmad was plaintiff in Title Suit No. 697 of 2013, who filed the alleged sale deed. Moreover there is no finding of a competent court with regard to the genuineness and fraudulent character of the alleged sale deed. Learned court below disposed of the application of the informant filed for initiating proceeding under Section 340 of the Cr.P.C. observing that forgery, if any, has been committed outside the Court. Hence, informant may take resort to the remedy available under the criminal forum.

It is submitted by the learned counsel for the informant that prima facie the forgery has been committed on behalf of the petitioner.

Considering the nature of accusation and other accused having granted anticipatory bail, let the above named petitioner be released on bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Begusarai Town P.S. Case No. 72 of 2015, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The bail bond of the petitioner shall be accepted by the learned court below on filing affidavit to the effect that he will cooperate during investigation. The said affidavit will be transmitted to the concerned I.O. The non-cooperation in the investigation will give liberty to the learned court below to cancel the bail bond of the petitioner.



(Dinesh Kumar Singh, J)

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