

IN THE HIGH COURT OF JUDICATURE AT PATNA  
Criminal Miscellaneous No.54392 of 2015

Arising Out of PS.Case No. -164 Year- 2015 Thana -KHARAGPUR District- MUNGER

1. Bishnu Deo Sah Son of Late Rajo Sah  
2. Shyam Sah @ Shyam Kumar Son of Vishnu Deo Sah  
..... Petitioner/s

Versus

1. The State of Bihar

..... Opposite Party/s

with

Criminal Miscellaneous No.54553 of 2015

Arising Out of PS.Case No. -164 Year- 2015 Thana -KHARAGPUR District- MUNGER

1. Subodh Sah son of Bhubneshwar Sah  
2. Sita Ram Sah son of Late Moti Lal Sah  
3. Binay Kumar son of Sri Bishnudeo Sah.  
4. Niranjana Prasad son of Late Sahdeo Prasad  
..... Petitioner/s

Versus

1. The State of Bihar

..... Opposite Party/s

Appearance :

(In Cr.Misc. No.54392 of 2015)  
For the Petitioner/s : Mr. Santosh Kumar Sinha -2, Advocate  
For the Opposite Party/s : Mr. Ramesh Chandra(App)  
(In Cr.Misc. No.54553 of 2015)  
For the Petitioner/s : Mr. Santosh Kumar Sinha -2, Advocate  
For the Opposite Party/s : Mr. R.S.Choudhary(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH  
ORAL ORDER

2      01-12-2015                      Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 467/468/420/34 of the Indian Penal Code.

The prosecution case is that one late Rajo Sah had two



wives and from his first wife she had five sons out of which one son Bhagwan Sah died. Late Rajo Sah's second wife, namely, Jageshwari Devi, died issueless and after death of Jageshwari Devi, her property got devolved and mutated in favour of all the four sons of late Rajo Singh, vide Mutation Case No.1754. Subsequently, one Binay Kumar, son of Bishundeo Sah (one of the son of Rajo Sah) entered into conspiracy with his father Bishundeo Sah along with the witnesses Subodh Sah and Sitaram Sah as well as Deed writer Niranjan Prasad and got a forged and fabricated Will prepared in the name of Jageshwari Devi on the basis of that Binay Kumar filed Probate Case no. 22/2014.

It is submitted by learned counsel for the petitioners that the Probate Case is still pending and the informant has occasion to file objection therein and unless the Will is probated or the genuineness of the Will is determined by the competent Civil Court, no case is made out against the petitioners.

Considering the nature of accusation, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Munger in connection with

Kharagpur P.S. Case No.164 of 2015, subject to the conditions as  
laid down under Section 438(2) Cr.P.C.



Ashwini/-

**(Dinesh Kumar Singh, J)**

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