

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38827 of 2015

Arising Out of PS.Case No. -2375 Year- 2012 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Nawal Kishore @ Banti S/o late Jadu Nandan Prasad, resident of Dih
Ghat, P.S.- Digha, District- Patna.

.... Petitioner

Versus

1. The State of Bihar.
2. Rajeshwar Prasad, S/o late Ramkrit Singh, Mohalla- Bhikhachak, P.S.-
Gardanibagh, District- Patna.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Sanjay Singh

For the Opposite Party/s : Mr. Kr. Ranjit Ranjan(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR

MANDAL

ORAL ORDER

4 22-02-2016

Heard the counsel for the petitioner and the informant.

The petitioner seeks anticipatory bail in complaint case no. 2375 (c) of 2012 filed by the opposite party no.2 alleging that the petitioner maliciously got a fake agreement to sale created in his favour on 28.11.2008 by forging the signature of the complainant of the said agreement. Both parties appear to be closely related. The subject land, indisputably, belonged to Hathi Raut. It also appears that a Title suit bearing Title Suit No. 401 of 2006 is pending between the co sharers in which the complainant as well as the accused are defendants. Although cognizance has been taken but the genuineness of the signature of the complainant on the agreement to sale shall be an issue which shall be considered/examined by the trial Court in the

light of the evidence adduced in this regard.

Considering the factual background of the case, I am persuaded to extend the privilege of anticipatory bail to the petitioner. In the event of his arrest or surrender in the Court below within a period of four weeks from today, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate , 1st Class, Patna in connection with Complaint case no. 2375 (c) of 2012, subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailors shall be the own/close family members of the petitioner.

(ii) As soon as the charges are framed the petitioner shall appear in person before the trial court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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