

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48570 of 2016

Arising Out of PS.Case No. -9 Year- 2015 Thana -ALAMNAGAR District- MADHEPURA

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1. Prem Narayan Singh son of Late Banarsi Prasad Singh
2. Bhavesh Kumar @ Rajnish Kumar son of Prem Narayan Singh. Both are
resident of village – Khurhan, Police Station – Alamnagar, District
Madhepura

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 19-12-2016 Heard learned counsel for the petitioners, learned
counsel for the informant and the learned A.P.P. for the State.

Petitioners seek bail in connection with Alam Nagar
P.S. Case No. 09 of 2015 registered for the offence punishable
under Sections 323, 380, 406, 420, 467, 468, 471, 504 and
120(B)/34 of the Indian Penal Code.

The prosecution case, as per the complaint case,
which was later on sent for registration of First Information Report
and investigation under Section 156(3) of the Cr.P.C., is that
petitioners and other two co-accused persons named in the
complaint petition/ First Information Report captured the land,
house, Bolero, documents of land, bank account etc. belonging to
the deceased grandfather of the complainant/ informant, namely,



Nidhi Kumari and on enquiry they defamed and abused her and further conspired to bring into existence the forged documents in the name of deceased grandfather of the complainant/ informant and further it transpired to the complainant/ informant that co-accused Pintu Kumar has got transferred the Bolero vehicle, bearing registration No. BR 19 B 5930 belonging to Late Usha Devi in his name by forgery and cheating because the grandmother of the complainant/ informant, Late Usha Devi died on 02.10.2010 while a forged sale has been shown on 16.12.2011 for which she objected. It has been further alleged by the complainant/ informant that the petitioners and co-accused persons having conspired with one another also created a forged adoption paper in the name of co-accused Pintu Kumar showing signature of Late Shiv Narayan Singh.

It has been submitted by the learned counsel for the petitioners that complainant/ informant is not in the array of the family and she was born out of the second marriage of the wife of cousin brother of petitioner No.1, Runam Devi, as such, she does not have any share in the family property. It has further been submitted that the petitioners have surrendered on 24.07.2016 and have no criminal antecedent and no forgery has been committed by them. He further submits that charge-sheet has already been



submitted, hence, there is no chance of tampering with the prosecution evidence.

On the other hand, learned counsel for the complainant/ informant has filed a counter affidavit stating therein that the second marriage of Runam Devi with Dhananjay Singh was solemnized on 22.04.1996 and the complainant/ informant was born on 18.01.1997. He submits that paragraphs 30 and 70 of the case diary reveal that the complainant/ informant was born out of the first marriage of Runam Devi, which has been supported by the witnesses during investigation. He further submits that the anticipatory bail application of the petitioners and others have been rejected by a Co-ordinate Bench of this Court and the complainant/ informant is being threatened by the petitioners and other co-accused, hence, opposes the prayer for bail.

Learned A.P.P. for the State also opposes the prayer for bail.

Be that as it may, since charge-sheet has already been submitted and from the material available, it does not appear that the petitioners' release on bail would, in any way, affect the trial, let the petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned



Sub-Divisional Judicial Magistrate, Udakishunganj, Madhepura in connection with Alam Nagar P.S. Case No. 09 of 2015 subject to the condition that one of the bailors would be close relative and other bailor would be a person, who has sufficient immovable properties within the jurisdiction of the concerned police station/ Court and that petitioner will appear before the police/ Court below on each and every date and their failure to appear before the learned Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

This direction for bail is further subject to the condition that petitioners shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

With these observations and directions, this bail application stands allowed.

(Nilu Agrawal, J.)

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