

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45436 of 2016

Arising Out of PS.Case No. -20 Year- 2016 Thana -KHAZANIHAT District- PURNIA

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1. Nurul Khan Son of Late Badrul Hussain resident of Mohalla Oil Tola,
P.S. K. Hat, District - Purnea

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agarwal
Mr. Saket Tiwary

For the Opposite Party/s : Mr. Anish Chandra

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

05/ 19.12.2016 Counter affidavit is filed on behalf of the informant.

Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State assisted by learned counsel for
the informant.

Petitioner seeks bail in a case registered under sections 406,
420, 467 and 468/34 of the Indian Penal Code.

The accusation against the petitioner is that he played role
of mediator in execution of a sale deed said to be executed by one
Ram Chandra Sah but later on, it came to light that the petitioner and
other accused committed fraud by placing a forged person in place of
Ram Chandra Sah at the time of execution of the sale deed.

Submission on behalf of the petitioner is that the petitioner
had purchased some land from the informant but subsequently, a
dispute took place between the petitioner and the informant and that is
the reason of false implication of the petitioner in the present crime. It



is further submitted that today, a so-called agreement was brought by the informant before this court by filing counter affidavit but, as a matter of fact, informant and his associates took signatures of the petitioner as well as his wife on the aforesaid deed of agreement by putting them in fear and for that the petitioner had already filed informatory petition before the Chief Judicial Magistrate, Purnea. To fortify the aforesaid contention, learned counsel for the petitioner produced photostat copy of informatory petition i.e. Misc. case no. 680/2016. The aforesaid document be kept on record.

On the other hand, learned counsel appearing for the informant opposes the prayer submitting that in the agreement executed by the informant as well as his wife, it has been admitted by the petitioner that he had taken amount from the informant and got prepared forged document of the sale deed.

Admittedly, the petitioner is neither identifier of the aforesaid Ram Chandra Sah nor appeared on the sale deed as a witness and it is only stated that he played role of mediator in execution of the aforesaid sale deed.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate, Purnea in K. Hat P.S. Case no. 20/2016.

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(Hemant Kumar Srivastava,J)

