

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29676 of 2016

Arising Out of PS.Case No. -222 Year- 2016 Thana -MUZAFFARPUR SADAR District-
MUZAFFARPUR

- =====
1. Ram Swarath Thakur, Son of Late Achhu Thakur, R/o Village- Rampur
Dayal, P.S.- Piyar, District- Muzaffarpur.
2. Om Prakash Thakur, Son of Sri Nawal Kishore Thakur, Resident of
Village- Arijpur, P.S.- Kanti, District- Muzaffarpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Anil Kumar Sinha, Advocate.
For the Opposite Party : Mr. Anil Prasad Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 18-10-2016 Heard both sides.

The petitioner no. 1 Ram Swarath Thakur apprehends his arrest in Muzaffarpur Sadar P.S. Case No. 222 of 2016 registered for the offences punishable under Sections 406, 420, 467, 468, 471 and 34 of the Indian Penal Code.

The informant alleged that her husband was killed in the year 1992 by Anil Ojha and his own brother Vijay Ojha (since dead). Anil Ojha was convicted in Sessions Trial No. 301 of 1992. The informant further alleged that Anil Ojha got his sale deed executed by Dharmendra Kumar, her nephew, with regard to Plot No. 2528, 2529, 2530, 2527, 2426 and 2428 Area 40 decimal. This forged and fabricated deed is brought in existence by Anil Ojha,

Om Prakash Thakur, Rakesh Ranjan, Ashok Kumar Sharma and others.

Learned counsel for the petitioner submits that the informant did not make any specific allegation that the petitioner forced Dharmendra Kumar to execute the sale deed. Dharmendra Kumar is own nephew of the informant and he also got share in different plots of Khata No. 299. Dharmendra Kumar did not file any criminal case or the suit for setting aside the sale deed said to have been executed.

On the other hand, learned counsel for the informant as well as learned APP opposed the prayer for anticipatory bail of petitioner no. 1 and submitted that Dharmendra Kumar executed the sale deed in the name of the petitioner and petitioner also played role in getting the sale deed executed in his own name.

On the facts, disclosed by the informant in her written statement, it appears that the informant did not make any specific allegation against the petitioner. Dharmendra Kumar is alleged to have been forced to execute the sale deed by other accused persons, but even after execution of the sale deed Dharmendra Kumar neither lodged any criminal case nor filed any suit for setting aside the sale deed alleged to have been executed on force.

Considering the facts aforesaid, I feel inclined that the

petitioner no. 1 Ram Swarath Thakur deserves anticipatory bail, accordingly, the petitioner no. 1, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Muzaffarpur in Muzaffarpur Sadar P.S. Case No. 222 of 2016, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J.)

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