

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18827 of 2017

Arising Out of PS.Case No. -205 Year- 2016 Thana -BALIA District- BEGUSARAI

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1. Nutan Mala @ Nutan Mala Devi, wife of Late Rajesh Kumar Singh
 2. Surya Pratap Kumar
 3. Chandra Pratap Kumar, Petitioner Nos. 2 and 3 are sons of Late Rajesh Kumar Singh
 4. Anuradha Devi, wife of Sandeep Kumar Singh, All are residents of village Arijpur, P.S. Kurhani, District Muzaffarpur

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. S.K.Lal, Advocate
For the Informant : Mr. Ravi Bhardwaj, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 09-05-2017

Heard learned counsel for the petitioners.

The petitioners are apprehending their arrest in connection with Balia P.S. case No. 205 of 2016, arising out of Complaint Case No. 1618 (c) of 2016, registered for the offences punishable under Sections 420, 467, 468, 471 and 120B/34 of the Indian Penal Code.

Allegation as per FIR is that petitioners have forged deed of relinquishment executed by ancestor of the petitioners and on the basis of the same they have created some documents.

It has been submitted on behalf of the petitioners that the Istifanama is more than thirty years old and it is presumed to be under the signature of Gaya Prasad Singh and it was also



executed by him. It has also been submitted that allegation against the petitioners that they have used the forged Istifanama and filed Misc. case is not correct as date of birth of petitioner No.1 is 1.1.1971, petitioner No.2 is 15.2.2000, petitioner No.3 is 15.1.2001 and petitioner No.4 is 10.6.1982, whereas complaint has stated his age as 48 years in the complaint petition, as such, neither the petitioner nor complainant had taken birth on 5.1.1996, the date of execution of Istifanama by Late Gaya Singh. It has further been submitted that petitioners have nothing to do with the Misc. case and the same has been filed by father-in-law of petitioner and further it is argued that petitioners have falsely been implicated in this case as they are agnates of cousin brother of Gaya Singh and they have some claim over the property.

Heard learned APP and learned counsel for the complainant-informant, who have opposed the prayer for anticipatory bail of the petitioners.

Having heard both sides and considering the facts and circumstances of the case, let the petitioners, named above, in the event of their arrest or surrender in the court within a period of two weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like



amount each to the satisfaction of the Chief Judicial Magistrate, Begusarai, in connection with Balia P.S. Case No. 205 of 2016, arising out of Complaint Case No. 1618 (c) of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further conditions that petitioners shall co-operate in the investigation and make themselves available before the police as and when required and in the event of failure on their part to appear before the police on two consecutive dates, the prosecution shall be free to move for cancellation of their bail bonds and further petitioners will not induce any witness or tamper with the evidence.

(Vinod Kumar Sinha, J)

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