

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23379 of 2017

Arising Out of Case No. -93 Year- 2014 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

- =====
1. Mukhtar Khan, son of Late Md. Sharif Khan,
 2. Babu Ram, Son of Ram Pujan Ram, Both resident of Vill.- Badyoga, P.S.- Nokha, Distt.- Rohtas.
 3. Md. Sultan, S/o Hafiz Mian, resident of Village- Nonsari, P.S. Nokha, Distt. Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Jalauddin Khan, Son of Late Badruddin Khan, Resident of Village- Kaithi, P.O.- Konar, P.S. Shivsagar, Distt.- Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suresh Mishra, Advocate

For the State : Dr. Indihar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 06-07-2017

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Complaint Case No. 93 of 2014 instituted under Sections 467 and 468
of the Indian Penal Code.

3. The allegation against the petitioners is that they had
manufactured a forged and fabricated agreement for sale by forging
the thumb impression of the complainant (opposite party no. 2).

4. Learned counsel for the petitioners submitted that the



petitioner no. 1 is the father-in-law of the complainant and after taking Rs. 7,00,000/-, he had executed the agreement for sale and now he wants to go back on his commitment due to which he has lodged this false case. It was further submitted that the dispute is purely civil and criminal case is not maintainable. It was submitted that the petitioner no. 1 had also sent legal notice to the complainant and when nothing happened, suit has also been filed for specific performance against the complainant. It was further submitted that the complainant has relied on the order of the Deputy Collector Land Reforms (D.C.L.R.) in his favour which has been set aside by the Commissioner, Patna Division. It was submitted that whether the agreement for sale is forged and fabricated has to be adjudicated upon before the appropriate forum.

5. Learned A.P.P. submitted that the question does not relate to any civil dispute as the allegation is that forgery was committed where on a document the thumb impression of the complainant has been shown which is not that of the complainant and the parties who have signed on the same have committed criminal offence. It was further submitted that the complainant on the sale deed executed in his favour has signed whereas on the deed of agreement, the thumb impression has been given which itself raises genuine doubt about its authenticity. Learned counsel submitted that the proceedings before the D.C.L.R. and the Commissioner have no



bearing on the present case, inasmuch as, the allegation in the complaint is pure and simple i.e., of creating a forged a fabricated document which has a totally criminal context for which criminal proceeding has rightly been instituted. He further submitted that in the complaint itself there is a categorical statement that the complainant had gone to the local police station and when no action was taken he was filing the complaint case.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioners on anticipatory bail.

7. The application, accordingly, stands dismissed.

(Ahsanuddin Amanullah, J)

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