

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58914 of 2017

Arising Out of PS.Case No. -568 Year- 2017 Thana -BETTIAH CITY District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Sheojag Prasad, Son of Late Bhola Mahto,
 2. Ajay Prasad, Son of Late Bhola Prasad @ Bhola Mahto,
Both residents of Village- Dakshini Patjirwa, Tola- Ranaha, P.S.-
Srinagar Pujaha, District- West Champaran.
 3. Sunil Kumar, Son of Late Madan Prasad, Resident of Village- Dakshini
Pokhariya, P.S.- Bairiya, District- West Champaran.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate
For the State : Mr. Yogendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 13-12-2017 Heard learned counsel for the petitioners, learned

Additional Public Prosecutor for the State and learned counsel for

the informant.

The petitioners seek pre-arrest bail in connection with

Bettiah Town P. S. Case No. 568 of 2017 registered under

Sections 406, 420, 467, 468, 471 and 504 of the Indian Penal code.

It is submitted by the learned counsel for the petitioners

that from a plain reading of the first information report, it would

be manifest that the informant has asserted that he put thumb



impression on each page at the time of attestation and, thus, every act has been done within his full knowledge and it is unbelievable that he could not understand the true import of his putting thumb impression. He submitted that the petitioners have neither misappropriated the informant's money nor committed any act of cheating thereby dishonestly inducing delivery of property or making alteration or destruction of valuable security. He contended that the informant has not filed any suit for cancellation of sale deed and the institution of the FIR on the basis of a complaint, which was referred under Section 156(3) of the Code of Criminal Procedure, is not only an abuse of the process of court, but also against the ratio laid down by the Supreme Court in the case of **Priyanka Srivastava and Anr. vs. State of Uttar Pradesh [(2015) 6 SCC 287]**.

On the other hand, learned counsel for the informant submitted that the matter was first taken to Panchayat and when the petitioner accepted their guilt before the Panchayat and agreed to cancel the sale deed, delay was caused in institution of the case and, subsequently, when the informant went to the police station and no case was registered, he was compelled to file a complaint case, which was referred under Section 156(3) of the Code of Criminal Procedure for investigation and institution of the FIR. He



submitted that the petitioners are guilty of fabricating the document, as they changed one page of the sale deed after obtaining the thumb impression of the informant.

Be that as it may, regard being had to the nature of allegation and the submissions made above, the petitioners named above are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran at Bettiah in Bettiah Town P. S. Case No. 568 of 2017, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure, in the event of arrest or surrender before the court below within six weeks from today.

(Ashwani Kumar Singh, J.)

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