

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23674 of 2017

Arising Out of PS.Case No. -9 Year- 2015 Thana -ALAMNAGAR District- MADHEPURA

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1. Pintu Kumar Son of Sri Prem Narayan Singh, Resident of Village-Khurahan, Police Station- Alamnagar and District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the Opposite Party/s : Mr. Ram Priya Saran Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 25-07-2017 Heard learned counsel for the petitioner, learned counsel
for the informant and learned APP for the State.

Petitioner is languishing in custody since 23.03.2017 in connection with Alamnagar P.S. Case No. 09/15 for offences punishable under Sections 323, 380, 406, 420, 467, 468, 471, 504, 120-B, 34 of the Indian Penal Code.

The prosecution case, as per the complaint case, which was later on sent for registration of First Information Report and investigation under Section 156(3) of the Cr.P.C., is that petitioner and others named in the complaint petition/ First Information Report captured the land, house, Bolero, documents of land, bank account etc. belonging to the deceased grandfather of the



complainant/ informant, namely, Nidhi Kumari and on enquiry they defamed and abused her and further conspired to bring into existence the forged documents in the name of deceased grandfather of the complainant/ informant and further it transpired to the complainant/ informant that the petitioner has got transferred the Bolero vehicle, bearing registration No. BR 19B 5930 belonging to Late Usha Devi in his name by forgery and cheating because the grandmother of the complainant/ informant, Late Usha Devi died on 02.10.2010 while a forged sale has been shown on 16.12.2011 for which she objected. It has been further alleged by the complainant/ informant that the petitioner and co-accused persons having conspired with one another also created a forged adoption paper in the name of petitioner showing signature of Late Shiv Narayan Singh.

It has been submitted by the learned counsel for the petitioner that he is innocent and has falsely been implicated in the aforesaid case. In fact, no forgery has been done by him and he is the adopted son of Shiv Narayan Singh, who is his own uncle. He submits that the petitioner bears no criminal antecedent and that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence. It is submitted that two of the co-accused have since been granted the privilege of bail



by this Court in Cr. Misc. No. 48570 of 2016 on 19.12.2016.

However, learned counsel appearing on behalf of the complainant/ informant has filed counter affidavit stating therein that before second marriage of her mother Runam Devi she was born and her father is Shri Ram Singh and she belongs to the same family but she has been ousted from all the family property. He submits that paragraph 70 of the case diary ably shows during investigation that she was born out of the first marriage of Runam Devi, hence, opposes the prayer for bail.

Learned APP for the State also opposes the prayer for bail.

Be that as it may, let petitioner, above named, 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 learned Sub-Divisional Judicial Magistrate, Udakishunganj, Madhepura, in connection with Alamnagar P.S. Case No. 09/2015, subject to the condition that one of the bailors would be a close relative of the petitioner, who would have sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required



and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

This direction of bail is further subject to the condition that petitioner shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

With these observations and directions, this bail application stands allowed.

(Nilu Agrawal, J)

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