

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72268 of 2018

Arising Out of PS. Case No.-2305 Year-2017 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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1. Krishna Devi, D/o Late Dasai Rai,
 2. Rama Devi, D/o Late Dasai Rai,
 3. Sharda Devi, W/o Late Dasai Rai,
 4. Bhagya Narayan Rai @ Bhag Narayan Rai, S/o of Late Dasai Rai,
 5. Gosai Rai, Son of Late Ramsewak Rai,
- All resident of Village- Dilawarpur, P.S.- Lalganj, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Kapil Deo Rai, Son of Late Ram Narayan Rai, Resident of Village- Dilawarpur, P.S.- Lalganj, District- Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur, Adv.
For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 20-12-2018 Heard learned Counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a complaint case, wherein process has been directed to be issued, after cognizance being taken for the offence punishable under Sections 467 and 468 of the Indian Penal Code.

The prosecution case as per the complaint petition submitted by the complainant, Kapildeo Rai is to the effect that petitioner no.3, Sharda Devi, filed a certificate of the Supreme Court to the effect that proceeding of Execution Case No.01 of 2012 has been stayed. The said certificate was filed on affidavit,



but it was subsequently found forged.

It is submitted by learned counsel for the petitioners that the specific case is that petitioner no.3 has filed a forged certificate, but the others petitioners have simply been roped in in the present case since they are party in the said proceeding. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned counsel for the complainant that under a conspiracy all the petitioners have committed fraud.

Considering the nature of accusation against petitioner no.3, Sharda Devi, this Court is not inclined to enlarge her on bail.

However, let the learned Court below consider the prayer for regular bail of petitioner no.3, if she surrenders before the learned Court below and pray for regular bail, within a period of six weeks, in connection with Complaint Case No.2305 of 2017, pending before the learned ACJM-II, Vaishali at Hajipur.

So far as petitioner nos. 1, 2, 4 and 5 are concerned, since the thrust of accusation is against petitioner no.3, coupled with statement made in paragraph no.3 of the petition that petitioners are not having any criminal antecedent, let the



petitioner nos. 1, 2, 4 and 5 above-named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-II, Vaishali at Hajipur, in connection with Complaint Case No.2305/2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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