

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56 of 2018

Arising Out of PS. Case No.-165 Year-2017 Thana- BIBHUTIPUR District- Samastipur

Prahlad Poddar Son of Ram Sangyan Poddar, Resident of Village-Sraul, Ward No.03,P.O.-Saraul, P.S.-Bibhutipur, District-Samastipur (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra

For the Opposite Party/s : Mr. Jitendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 17-02-2018 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks Anticipatory bail in connection with Bibhutipur P.S. Case No. 165 of 2017 registered under Sections 406, 420, 467, 468, 471, 120(B) of the Indian Penal Code.

In the FIR the informant has stated that on 29.01.2013 the petitioner has got registered homestead land of Radha Kant Poddar an area 12 ½ dhurs dishonestly and fraudulently at Registry Office, Samastipur. In the disputed land the informant is residing since long. Petitioner is a teacher of the Middle School and due to dirty village politics has prepared a fake document of residential proof. The petitioner brought Maya Devi from Siliguri to Samastipur in Registry Office and she has no title and share in disputed land because Maya Devi and her



family left the village for more than 60 years ago. The petitioner after hatching conspiracy with accused No. 2 got forged registered sale deed executed of disputed land and the accused Nos. 4 and 5 are the witnesses of the registered sale deed. It has been further stated that in the aforesaid registered sale deed wrong Khata and Kheshra numbers have been given to cheat the informant.

Learned counsel for the petitioner submitted that petitioner is the Bonafide purchaser of this land and the sale deed was executed on 29.01.2013 by the District Registry Officer, Samastipur but the allegation against the petitioner that he has purchased the aforesaid land by the forged document cannot be accepted as documents are registered. It has been further submitted that Maya Devi has sold the aforesaid land to the petitioner in the presence two witnesses, both are residents of village Siliguri and they are relatives of the Maya Devi and there is a case and counter case and petitioner has no criminal antecedent. Dispute is of civil nature and no criminal offence is made out against petitioner.

Learned counsel for the informant has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case,



prayer of Anticipatory bail of the petitioner is allowed and petitioner named above in the event of arrest of surrender before the court below within four weeks from today, the petitioner is 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 the learned Additional Chief Judicial Magistrate-IVth, Rosera, Samastipur, in connection with Bibhutipur P.S. Case No. 165 of 2017.

(S. Kumar, J)

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