

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59740 of 2018

Arising Out of PS. Case No.-1504 Year-2017 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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Shankar Prasad Gupta, Son of Lakhan Prasad Gupta, Resident of Chandnichauk, Ward No.20, Saharsa, Nearby J. P. Sweet Corner, P.O. + P.S. and District- Saharsa.

... .. Petitioner/s

Versus

1. State of Bihar
2. Sobha Devi, wife of Mahabir Prasad Gupta, Resident of Chandnichauk, Ward No.20, Saharsa, nearby J. P. Sweet Corner, P.O. + P.S. and District -Saharsa.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Mukund, Adv.
For the Opposite Party/s : Smt. Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-09-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a complaint case wherein process has been directed after cognizance being taken for the offences punishable under Sections 420, 467, 468 and 471 of the Indian Penal Code.

The prosecution case as per the complainant is that the petitioner on the basis of false affidavit got the ancestral land mutated in his favour.

It is submitted by learned counsel for the petitioner that the complainant is none else the own sister-in-law (brother's wife) of the complainant and both the complainant and the petitioner



are on litigating terms over the partition of ancestral property. Moreover, if the complainant was aggrieved with the order passed by the concerned authority, she had an opportunity to challenge the same in appropriate proceeding. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that the learned Magistrate after taking cognizance directed for issuance of process against the petitioner.

Considering the civil nature of dispute, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner 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) with two sureties of the like amount each to the satisfaction of the learned CJM, Saharsa, in connection with Complaint Case No.1504/2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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