

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43512 of 2018

Arising Out of PS. Case No.-348 Year-2018 Thana- MOHANIA District- Bhabhua (Kaimur)

Ajay Krishna Rastogi, Son of Late Saryu Madhav Rastogi, Resident of
Village- Sakari, P.S.- Kudra, District- Kaimur

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwary
For the Opposite Party/s : Mr. Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-07-2018

Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 420, 419, 467, 468 and 471/34 of the IPC.

The prosecution case got initiated with the filing of the Complaint Case No. 686 of 2018 by Manju Wala Rastogi, which came to be registered as police case being Mohania P.S. Case No. 348 of 2018 after the complaint being transferred under Section 156(3) of Cr.P.C. It is alleged that the petitioner got the land of the informant bearing Plot No. 31, area 1.40 decimals, transferred in the name of Kashmira Devi by impersonating the informant by setting up a fictitious lady. The petitioner being the own brother of the informant has identified the executant.

It is submitted by learned counsel for the petitioner that



the informant is own sister of the petitioner. Admittedly, the land has not been transferred in favour of the petitioner. The question of forged transfer has been raised after four months of registration of sale deed, which was made on 03.02.2018 and for the same cause of action Title Suit No. 632 of 2018 has also been filed which is pending. A partition suit dispute is also pending between the informant and petitioner since long.

Considering the nature of accusation, the relationship between the petitioner and the informant and the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks 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, Kaimur at Bhabua in connection with Mohania P.S. Case No.348 of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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