

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37558 of 2018

Arising Out of PS. Case No.-1016 Year-2017 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. Upendra Prasad Kushwaha son of Sri Ramdeo Prasad
2. Birendra Prasad son of Sri Ramdeo Prasad
3. Surendra Prasad son of Sri Ramdeo Prasad
All residents of Village - Bhopatpur, Tola - Ahirauliya, P.S. -
Kotwa (Bhopatpur), District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Raghunath Mahto son of Bhagwan Mahto resident of village - Bhopatpur,
Tola - Ahirauliya, P.S. Kotwa (Bajhiya), District - East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 06-07-2018 Heard learned counsel for the petitioners and

learned counsel for the State.

In this case, the petitioners are apprehending their arrest in connection with Trial No. 3144 of 2017 arising out of Complaint Case No. C-1016 of 2017 registered for offences under sections 323, 420, 467, 468, 120-B of the Indian Penal Code.

The prosecution case, as per complaint filed by Raghunath Mahto on 25.05.2017 is to the effect that 2 bighas 1 katha and 6 dhurs of land, appertaining to Khata no. 301, Plot No. 1980, situated besides the road running from Rajpur from



Kotwa and Jamunapur from Mananpur is recorded in the Khatiyan in the name of grand-father of the complainant, Ram Belas Koiri and after his death, the title and possession of the land in question traveled to the complainant. Initially, co-accused persons Chanchal Yadav, Dharohar Prasad, Birendra Prasad, Surendra Prasad, Laldeo Rai and Upendra Prasad Kushwaha contacted the complainant for sale of the land on high price, but on refusal by the complainant, the accused persons, in connivance with the employees of the record rooms of the East Champaran Collectorate, including the petitioner, got the name of one Pragas added in the Khatiyan. Initially, the issue was sought to be reconciled, but subsequently, huge demand of Rs. 25,00,000/- was made as extortion.

It is submitted by learned counsel for the petitioner that there is nothing on record to suggest that the petitioners have made any forgery. Moreover, the petitioners were not the beneficiary of the alleged forgery. The Additional Collector conducted an enquiry and the enquiry report suggests the involvement in forgery of other co-accused persons and not against the petitioners. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.



Learned APP submits that there is specific accusation that at the behest of the petitioners forgery has been committed.

Considering the nature of accusation ventilated through complaint and the petitioner is not the beneficiary of the alleged forgery, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VIII, East Champaran at Motihari in connection with Trial No. 3144 of 2017, arising out of Complaint Case No. C-1016 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C. as also subject to condition that whenever the police will call the petitioners for investigation/interrogation, they will remain present and if they would not present themselves, the privilege of grant of anticipatory bail shall be deemed to have been canceled.

(Shivaji Pandey, J)

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