

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15436 of 2019

Arising Out of PS. Case No.-180 Year-2018 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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MUKESH KUMAR Son of Sudama Prasad Singh Resident of Village- Teus,
P.S.- Jairampur, Dist.- Sheikhpura, Presently R/o Mahalla Brahmpura, P.S.-
Brahmpura, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Dhananjay Sharan Son of Shambhu Sharan Sharma R/O- Bank Means
Colony, Chitragupt Nagar, P.S.- Patrakar Nagar , District- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar Singh
For the Opposite Party/s	:	Mr.Dinesh Singh
For the O. P. No. 2	:	Ms. Sagarika

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 22-07-2019 Heard learned Counsel for the petitioner, learned

Counsel for the Opposite Party No. 2 and learned Additional

Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises

out of Complaint Case No. 180 of 2018, in which cognizance

has been taken for the offences punishable under Sections 419

and 467 of the Indian Penal Code.

The allegation against the petitioner is that the

petitioner, along with co-accused Neelam Sahi, prepared forged

document regarding properties of Late Dr. Vinod Kumar Sahi

and executed sale deed with regard to the properties of Late Dr.



Vinod Kumar Sahi, claiming herself (co-accused Neelam Sahi) to be the widow of Late Dr. Vinod Kumar Sahi.

Learned Counsel for the petitioner submits that the petitioner is the tenant in the property, inducted by co-accused Neelam Sahi, who is wife of Late Dr. Vinod Kumar Sahi. He submits that Opposite Party No. 2 has allegedly been given specific power of attorney by the sister of Late Dr. Vinod Kumar Sahi for the purpose of taking steps in the pending cases. He, thus, submits that on the strength of that power of attorney, the Opposite Party No. 2 has lodged this false and concocted case against the petitioner and co-accused Neelam Sahi; whereas no rightful owner is coming forward and claiming anything against the petitioner and another. He further submits that co-accused Neelam Sahi has been granted anticipatory bail by this Court by order, dated 14.03.2019, passed in Criminal Misc. No. 16029 of 2019.

Learned Counsel for the Opposite Party No. 2 vehemently opposes the prayer for anticipatory bail and submits that the petitioner and co-accused have committed forgery in order to grab the property of Late Dr. Vinod Kumar Sahi and as such, the petitioner does not deserve privilege of anticipatory bail.



After having heard learned Counsel for the parties and taking into consideration the fact that co-accused has been granted anticipatory bail by this Court and the petitioner claims to be a tenant, inducted by co-accused Neelam Sahi, I find it a fit case for grant of privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioner, Mukesh Kumar, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 4th Additional Chief Judicial Magistrate, Muzaffarpur, in connection with Complaint Case No. 180 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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