

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20955 of 2019**

Arising Out of PS. Case No.-96 Year-2018 Thana- KACCHWA District- Rohtas

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AJAY KUMAR UPADHYAY @ AJAY UPADHYAY Son of Brij Bilas
Upadhyay Resident of Village - Magaraw, P.S.- Kachhawa, District - Rohtas.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Pandey

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 12-04-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 409, 420 and 34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report of Mithilesh Kumar, I/c Circle Inspector submitted before the Station House Officer, Kacchwa Police Station is to the effect that the petitioner and co-accused Kamlesh Kumar Upadhyay got a land possession certificate issued on the basis of forged document and consequently, obtained a loan of Rs.50,000/-.

It is submitted by learned counsel for the petitioner that the land possession certificate was issued by the competent



authority on the basis of the report submitted by Halka Karmchari. Hence, the thrust of accusation is against Halka Karmchari. It is further submitted that the petitioner has already returned the loan amount taken on the basis of the alleged land possession certificate. 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 there is specific accusation against the petitioner of taking loan on the basis of forged land possession certificate.

Considering the fact that the thrust of accusation is against Halka Karmchari on whose report, the land possession certificate was issued in favour of the petitioner and the petitioner has already returned the loan amount coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioners 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 ACJM, Bikramganj, Rohtas in connection with Kachhawa P.S.



Case No.96 of 2018, subject to the conditions as laid down
under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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