

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38475 of 2019**

Arising Out of PS. Case No.-46 Year-2019 Thana- BARAULI District-
Gopalganj

- =====
1. ASHOK PRASAD, aged about 60 years, male, Son of Late Mathura Prasad Resident of Village - Kamalpur, P.S. - Barauli, District - Gopalganj.
 2. Dharmendar Prasad @ Dharmendra Mahto, aged about 57 years, male, Son of Late Mathura Prasad Resident of Village - Kamalpur, P.S. - Barauli, District - Gopalganj.
 3. Ramendra Prasad, aged about 54 years, male, Son of Late Mathura Prasad Resident of Village - Kamalpur, P.S. - Barauli, District - Gopalganj.
 4. Amar Kumar, aged about 42 years, male, Son of Late Mathura Prasad Resident of Village - Kamalpur, P.S. - Barauli, District - Gopalganj.
 5. Upendra Prasad, aged about 38 years, male, Son of Late Mathura Prasad Resident of Village - Kamalpur, P.S. - Barauli, District - Gopalganj.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Mohammad Sufyan, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 28-06-2019

Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 420, 467, 469, 471 and 120B of the Indian Penal Code registered in connection with Barauli P.S. Case No. 46 of 2019.

3. It is submitted that the petitioners have been falsely implicated on the accusation of having committed forgery in preparing a sale deed of year 1932 relating to the land belonging to the informant. It is submitted that the genuineness of the said sale deed is already the subject matter of Title Suit No. 635 of



2018 pending in the Court of Munsif, Gopalganj. It is therefore submitted that the dispute between the parties is purely of civil nature. The petitioners are accused in prior cases of different nature in which they are on bail.

4. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Barauli P.S. Case No. 46 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors of each of the petitioners shall be their close relatives other than the petitioners herein.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioners shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Ibrar/BT

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