

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.8009 of 2020**

Arising Out of PS. Case No.-394 Year-2019 Thana- ISLAMPUR District- Nalanda

SUMESHWAR PRASAD S/o Late Kapildeo Yadav @ Kapildeo R/o village-  
Gopalganj, P.S.- Ishlampur, District- Nalanda

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

**Appearance :**

|                            |                         |
|----------------------------|-------------------------|
| For the Petitioner/s :     | Mr.Rajesh Kumar         |
| For the Opposite Party/s : | Mrs. Anita Kumari Singh |
|                            | Mr.Ajit Kumar           |

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

3      18-06-2020      The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard learned senior counsel Shri Ramakant Sharma for the petitioner and Ms. Anita Kumari Singh, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Islampur P.S. Case No. 394 of 2019 for the offence registered under Sections 420, 467, 468 and 471 of the Indian Penal Code.

The case of the prosecution is that the Chakbandi Officer, Hilsa during the course of enquiry found that the petitioner has filed false documents pertaining to the plot in



question and misrepresenting the facts, hence the Circle Officer concerned, has filed the FIR in question.

The learned senior counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and though he is accused in two other cases but he is on bail in the said two cases. It is further submitted by referring to paragraph no. 7 of the petition that father of the petitioner namely Late Kapildeo Gope purchased a piece of land appertaining to Tauji No. 10111, Khata No. 54, Plot No. 2112/1553 area 8 decimals from one Rahman Miyan on payment of sale consideration and during the course of consolidation proceedings, father of the petitioner had filed an application under Section 10B of the Consolidation Act on 04.06.1988 and on his application an order was passed on 10.06.1988 and the land was recorded in the name of the father of the petitioner in the consolidation proceedings. The father of the petitioner had filed chirkut for obtaining certified copy of the order on 04.06.1988 and final order was passed on 10.06.1988, the complete order sheet was delivered to the petitioner on 15.06.1988, hence there is no forgery or misrepresentation.

Per contra, the learned A.P.P. for the State has



vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submission of the learned counsel for the petitioner and taking into account the fact that the dispute in question is purely civil in nature and the petitioner is having a clean antecedent as also some probable explanation has been furnished in paragraph no. 7 & 8 of the present petition, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four 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 learned A.C.J.M., Hilsa, Nalanda in connection with Islampur P.S. Case No. 394 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

**(Mohit Kumar Shah, J)**

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