

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19943 of 2020**

Arising Out of PS. Case No.-24 Year-2020 Thana- SASARAM NAGAR District- Rohtas

1. MEENA DEVI Wife of Rajesh Kumar Singh Resident of Village- Sonbarsa, P.O. Badki Kharari, P.S.- Karghar, District- Rohtas
2. Rajesh Kumar Singh @ Rajesh Kumar Son of Rameshwar Singh Resident of Village- Sonbarsa, P.O.- Badki Kharari, P.S.- Karghar, District- Rohtas

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Om Prakash Singh, Advocate
For the Opposite Party/s	:	Mr. Mushtaque Alam, APP
For the Informant	:	Mr. Ashutosh Tripathi, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 27-08-2020 As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioners and the learned Counsel for the State as also the learned Counsel appearing for the informant.

Petitioner apprehends arrest in Sasaram (T) PS Case No. 24 of 2020 registered under Sections 420, 467, 468, 120B and 471 of the IPC.

The allegation is that on the basis of a forged title one Manaur Ali forged a deed and sold the land to the two petitioners herein. The allegation is of forgery.



Learned Counsel for the petitioners submits that even from the allegations made in the FIR it is more than apparent that the civil litigation precedes instant criminal prosecution in respect of the land in question. The criminal proceedings have been instituted as an abuse of the process of the court and to settle the civil score though the civil proceedings are pending in respect of the same land in the court of competent jurisdiction.

Learned APP for the State and the learned Counsel for the informant have opposed the prayer for anticipatory bail. They have submitted that the forgery is a serious offence

Having considered the rival submissions this Court is inclined to grant the privilege of anticipatory bail to the petitioners.

Accordingly, let the petitioners above named, in the event of arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM Sasaram (Rohtas) in Sasaram (T) PS Case No. 24 of 29020 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Counsel for the informant submits that he would be filing a soft copy of vakalatnama during course of the day.

(Madhuresh Prasad, J)

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