

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20191 of 2021

Arising Out of PS. Case No.-444 Year-2019 Thana- MASHRAK District- Saran

1. SANJAY KUMAR Son of Ashok Prasad Singh Resident of Village - Mashrakh Satiwartir, P.O. and P.s.- Mashrakh, Distt.- Saran at Chapra.
2. Ranjeet Kumar @ Ranjeet Kumar Rastogi Son of Madan Prasad Rastogi Resident of Village - Mashrakh Takhat P.O. and P.s.- Mashrakh, Distt.- Saran at Chapra.
3. Prakash Kumar Sonof Krishna Kumar Tiwari Resident of Village - Mashrakh P.O. and P.s.- Mashrakh, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Kumar Manglam
For the Opposite Party/s : Mr.Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 20-12-2021 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners are expected to honour their undertaking to remove the defects, as pointed out by the office, when called upon to do so by the office.

The petitioners are apprehending their arrest in connection with Mashrakh P.S. Case No. 444 of 2019 for the offence registered under Sections 341, 387, 406, 420, 120(B), 504 and 506 of the Indian Penal Code.

The prosecution case in brief is that the informant, Arti Vinit Rastogi alleged that her brother Triloki Rastogi said to



her that he has to start new business for which he needs seventy lakh rupees. Co-accused, namely, Chandan Rastogi is ready to give that amount but he wanted to keep the land of house on mortgage and if she will become identifier then he will get seventy lakh rupees. All accused persons named in the first information report came at house and said to be identifier and for this she will have to go to Mashrak Registry Office where other co-accused persons were present and they took her thumb impression and photo on the documents and said that now her work and her younger brother came back in home and went to Mumbai. When her elder brother Tribhuwan Rastogi talked to her on phone and said that she has sold her all of her share then she denied and said that she has not taken any money. She is only identifier because her younger brother Triloki Rastogi as keep her that he need seventy lakhs rupees, so she became identifier. Thereafter, she came back to Mashrak and took certified copy of sale-deed then she know that her brother Triloki Rastogi had forged and when she asked her brother Triloki Rastogi then he and Chandan Rastogi demanded one crore rupees as ransom otherwise they will kill her.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case. It is



further submitted that the prosecution case as spell out in the first information report is completely false. It is true that the sale deed was prepared by the petitioner no. 3 on the direction of Triloki Rastogi, the full brother of the informant but before the sale deed was presented for execution, the informant had put her signature which was duly identified by the petitioner nos. 1 & 2 since the informant and petitioner nos. 1 and 2 are known from before. It is further submitted that petitioner nos. 1 and 2 are also resident of village Masrakh, the paternal village of informant and since the informant had signed the sale-deed in their presence, they became witness of the sale-deed. It is further submitted that the petitioner no. 3 is a licensee Deed Writer and, therefore, if he had prepared the sale-deed, no offence is made out against him. It is further submitted that the informant has not denied the genuineness of her signature on the sale-deed and if the signature is correct and the petitioner nos. 1 and 2 are witness to her signature, no offence has been committed by him. It is further submitted that similarly situated co-accused has been granted by a co-ordinate Bench of this Court vide order dated 15.12.2021 passed in Cr. Misc. No. 24409 of 2020 and the petitioners have no criminal antecedent.

Considering the facts and circumstances of the case,



let the petitioners, above named, in the event of their arrest/surrender before the court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate – VI, Saran at Chapra in connection with Mashrakh P.S. Case No. 444 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Sunil Kumar Panwar, J)

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