

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30120 of 2020

Arising Out of PS. Case No.-305 Year-2019 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Anmol Kumar, Son of Ajay Kumar Mandal, Resident of Village - Kanjhiya,
Police Station - Nathnagar, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bihari Mishra, Son of Late Umakant Mishra, Permanent resident of Village -
Rampur Khurd, Police Station - Madhusudanpur, District - Bhagalpur.
Presently residing at Mohalla - Bhikhanpur, Post Office - Bhagalpur, Police
Station - Ishakchak, District - Bhagalpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr.Syed Masleh Uddin Ashraf, Advocate
For the S t a t e	:	Mr. Nagendra Prasad, APP
For the Informant	:	Mr. Rajive Ranjan Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 27-01-2021 Heard learned counsel for the petitioner and the

learned APP for the State as well as the learned counsel for the

informant.

The petitioner is apprehending his arrest in connection
with Kotwali (Jogsar) P.S. Case No.305 of 2019 registered for
the offence punishable under Sections 406, 420, 467, 468, 120B
and 471 of the Indian Penal Code.

Informant has alleged that the accused persons have
transacted in relation to his land by way of a sale deed and
thereby committed forgery/fraud.

Petitioner's counsel submits that the petitioner is the



beneficiary of the transaction. The sale deed has been executed, even as per the prosecution case, by the informant's elder brother. The dispute is predominantly civil in nature. The petitioner has no criminal antecedents.

Learned counsel for the informant and learned State Counsel have opposed the prayer for pre-arrest bail. It is submitted that the forgery has been committed by all accused persons.

Considering the rival submissions, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur, in connection with Kotwali (Jogsar) P.S. Case No.305 of 2019, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to 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.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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