

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 35564 of 2020

Arising Out of PS Case No.-83 Year-2020 Thana- MUFFASIL District- West Champaran

Satyendra Prasad Kushwaha, about 35 years, Male, son of Sri Awadhesh
Prasad Kushwaha, resident of village- Barwat Parsarain, PS- Bettiah Muffasil,
District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the State : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 25-06-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Umesh Chandra Verma, learned counsel
for the petitioner and Mr. Sanjay Kumar Tiwary, learned
Additional Public Prosecutor (hereinafter referred to as the ‘APP’)
for the State.

3. The petitioner apprehends arrest in connection with
Bettiah Muffasil PS Case No. 83 of 2020 dated 11.02.2020,



instituted under Sections 420, 467, 468, 471, 448, 327 and 506/34 of the Indian Penal Code.

4. The allegation against the petitioner is that he had identified co-accused Arun Kumar, who is said to have executed a forged sale deed in favour of another co-accused Ashish Kumar Sinha @ Mantu Yadav.

5. Learned counsel for the petitioner submitted that though the allegation against Arun Kumar is that land which did not belong to him had been fraudulently sold to the other co-accused, but the role of the petitioner is limited to having identified Arun Kumar. It was submitted that it is not alleged that Arun Kumar was not the person who was the executant of the deed and, thus, his role being limited to only certifying and identifying that the person who was executing the deed was in fact Arun Kumar and not somebody who was personating Arun Kumar, no criminal liability can be fastened on him and in fact the present case, as far as it concerns him, is totally misplaced and is an abuse of the process of law. It was further submitted that the petitioner has no criminal antecedent. It was submitted that the petitioner has no interest in the corpus which is said to have been the subject matter of the sale deed in question.



6. Learned APP submitted that the petitioner had identified the executant. However, he fairly submitted that the role of the petitioner is only to indenting the executor and the allegation is not that the executor was personating the real person.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, West Champaran at Bettiah in Bettiah Muffasil PS Case No. 83 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioner and (ii) that the petitioner shall co-operate with the police/prosecution and the Court. Failure to co-operate shall lead to cancellation of his bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.



9. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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