

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11794 of 2022**

Arising Out of PS. Case No.-1095 Year-2019 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

Prabhat Kumar Srivastava Son Of Jagarnath Prasad Srivastava Resident Of
Village - Pakri Ismail, P.S.- Sadar, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Goutam Kumar Son of Dinesh Kumar Resident of Village - Chasima, P.s.-
Sadar, P.O.- Dumri, Distt.- Muzaffarpur.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 15468 of 2022

Arising Out of PS. Case No.-1095 Year-2019 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

Shambhu Kumar Mahto @ Shambhu @ Shambhu Nath Son Of Sita Ram
Mahto Resident Of Village- Pakri Ismail, P.S.- Sadar, District- Muzaffarpur.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 11794 of 2022)

For the Petitioner/s : Mr. Mazharul Hassan

For the Opposite Party/s : Mr. Satyendra Prasad
Mr. Alok Kumar Alok

(In CRIMINAL MISCELLANEOUS No. 15468 of 2022)

For the Petitioner/s : Mr. Mazharul Hassan

For the Opposite Party/s : Mr. Satyendra Prasad
Mr. Alok Kumar Alok

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 12-09-2022 **CRIMINAL MISCELLANEOUS No.11794 of 2022**

Heard learned counsel for the petitioner, learned
counsel for the complainant and learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in



a case registered for the offences punishable under Sections 323, 406, 420, 467, 468, 471, 504, 365, 120(B) of the Indian Penal Code and cognizance taken under Sections 417, 406 and 420 of the I.P.C.

The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the complainant alleges that he asked for a job from Arvind Sah, who in turn asked the complainant to bring mark-sheet, certificates and Rs.5,000/- on 25.04.2019 and went to the Registry Office with three accused persons including the petitioner and two unknown persons. It is next alleged that petitioner asked the complainant to sign on 3-4 stamp papers, but on intervention, the complainant was stopped from signing on the stamp papers. It is next alleged that Shambhu Kumar Mahto and Arvind Sah took the documents and Rs.5,000/- and both accused further forced him to sign on the stamp papers. It is also alleged that all the accused assaulted the victim and further took his sign on the stamp blank papers. It is next alleged that the incident took place for capturing the land of the complainant as the land which originally was in the name of the grandfather of the complainant now belongs to the complainant.

The learned counsel for the petitioner submits that the



petitioner has been falsely implicated in the present case. It is next submitted that petitioner is a deed writer in the Office of the Sub-Registrar at Muzaffarpur. It is next submitted that though it is alleged that the informant was made to sign on stamp blank papers, but the same till date has not been used against the informant in any manner. The learned counsel next submits that it absolutely does not stand to reason that as to why the petitioner being a deed writer would be involved in the present occurrence.

The learned counsel for the informant as well as the learned A.P.P. opposes the bail application, but are not able to meet the submission of the learned counsel for the petitioner that though allegation is of signing stamp blank paper by the informant, but the same till date has not been misused.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Complaint Case No.1095 of 2019,



subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

CRIMINAL MISCELLANEOUS No. 15468 of 2022

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 323, 406, 420, 467, 468, 471, 504, 365, 120(B) of the Indian Penal Code and cognizance taken under Sections 417, 406 and 420 of the I.P.C.

The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the complainant alleges that the petitioner on pretext of assurance of job, the complainant in the Registry Office had taken his documents I-Card, photographs and matriculation certificates along with cash to the tune of Rs.5,000/- and also took the signature of the complainant on stamp blank paper and threatened that the accused persons will get the sale deed executed on the basis of the said documents.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is



next submitted that petitioner and the complainant are co-villagers and the complainant had approached Shambhu Kumar Mahto for selling his land and for that purpose, he went to the Registry Office along with him where complainant signed stamp papers, but after signing the documents, he feigned stomach ache and as such the documents could not be filed before the Registrar and thereafter, the complainant filed the present false complaint case. The learned counsel submits that petitioner has been falsely implicated in the present case. The stamp paper which is alleged to have been signed by the informant has not been misused and co-accused Prabhat Kumar Srivastava has been granted anticipatory bail by order dated 12.09.2022 in Cr. Misc. No.11794 of 2022.

The learned counsel for the informant as well as learned A.P.P. opposes the bail application, but are not able to meet the submission of the learned counsel for the petitioner that the documents which is alleged to have been signed by the informant has not been misused.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail



on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Complaint Case No.1095 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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