

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12364 of 2022**

Arising Out of PS. Case No.-791 Year-2020 Thana- KUDHNI District- Muzaffarpur

BAIJNATH PD. MAHTO @ BAIDHNATH PRASAD MAHTO SON OF
LATE DWARKIA MAHTO R/O VILLAGE- TARSAN KISHUNI, P.S.-
KUDHNI, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Adv

For the Opposite Party/s : Mrs. Kumari Vandana, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 04-08-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner undertakes to
remove the defects within four weeks of resumption of
normal court proceedings. In the eventuality of non-removal
of defects within stipulated period, office will place the matter
before the Bench.

The petitioner apprehend his arrest in a case registered
for the offence punishable under sections 147, 420, 467, 468,
471, 120(B) of the Indian Penal Code.

Allegedly, the petitioner went to the house of the
informant and told her that on account of the death of her
husband, Government will give her money and also give her



old age pension. The informant went with the petitioner to Muzaffarpur and there the petitioner took her thumb impression. The allegation against the petitioner is that he is trying to take possession over the land of the informant.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to dirty village politics. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. The complainant herself denied that the alleged land does not belong to her, therefore she is not aggrieved with the alleged occurrence. It is submitted that the alleged prosecution case is of Civil nature and criminal offence is not made out. Petitioner has no criminal antecedent, which is also mentioned in para-3 of the application.

Learned APP for the State opposed the prayer for anticipatory bail by submitting that there is a specific allegation against the petitioner of executing the sale deed under his name by committing forgery.

Having regard to the facts and circumstances of the case, since there is a direct allegation of forgery against the



petitioner, I am not inclined to grant bail to the petitioner. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

This application is accordingly, dismissed.

(Anjani Kumar Sharan, J)

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