

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38934 of 2021

Arising Out of PS. Case No.-120 Year-2021 Thana- AHYAPUR District- Muzaffarpur

Ajay Kumar S/O Sunil Kumar Sah R/O Molalla-Soda Godown Chauk,
Chandwara P.S. Town, District-Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kaushal Kishor

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-01-2022 Heard.

The petitioner seeks regular bail in connection with Ahiyapur P.S. Case No. 120 of 2021, registered for the offence punishable under sections 420, 467, 468, 471, 120(B)/ 34 of the Indian Penal Code.

The case of the prosecution, as per written complaint of the informant, is that the land in question belongs to the mother of the informant namely Munni Devi and his maternal grandfather which is situated near Ahiapur ice factory. It is also alleged that though the receipts of the land are being issued in the name of his mother and mutation has also taken place in the name of the mother of the informant, the co-accused person



namely Sunil Kumar Sah created forged documents and sold the land of the informant to four other persons. As far as the petitioner is concerned, he is alleged to have put his signature as a witness on the documents, by which the land in question was sold to four other persons.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 16.02.2021. The learned counsel for the petitioner has further submitted that the informant has already filed a title suit bearing Title Suit No. 159 of 2021 along with his mother, which is pending before the learned court of Sub-Judge-1st, East Muzaffarpur. It is further submitted that the allegations levelled in the written complaint can at best be stated to be dispute of civil nature, however, no criminal offence is made out.

Per contra, Mr. Bipin Kumar, the learned APP for the State, has vehemently opposed the prayer for bail.



Having regard to the facts and circumstances of the case, considering the submissions made by the parties and taking into account the materials available on record as also considering the fact that a title suit is already pending in between the parties for the alleged dispute in question and moreover, the dispute in question appears to be primarily of civil nature, I deem it fit and proper to admit the petitioner to the privilege of regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Court of Chief Judicial Magistrate, Muzaffarpur in connection with Ahiyapur P.S. Case No. 120 of 2021.

(Mohit Kumar Shah, J)

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