

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31277 of 2022

Arising Out of PS. Case No.-154 Year-2014 Thana- KESARIA District- East Champaran

1. LAL BABU RAI S/o Sipahi Rai Resident of Village- Siswa Kharar, P.s.- Kalyanpur, District- East Champaran.
2. RAJDEO SINGH S/o Lalan Singh Resident of Village- Siswa, Patna, P.S.- Kesariya, District- East Champaran.
3. CHANDRA PRAKASH S/o Arun Kumar Singh Resident of Village- Siswa, Patna, P.S.- Kesariya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar, Advocate
For the Opposite Party/s : Ms. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-11-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 420, 467, 468 and 471 of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioner no.1 has antecedent of 1 case, petitioner no.2 has antecedent of five cases and petitioner no.3 has antecedent of two cases and the informant alleges that he has an ancestral land in village Sisava which is in his possession, it is next alleged that the accused persons, including the petitioners, created a forged lease deed of his land for 20 years in favour of Kamala Devi and Alpana Kumari.



Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted that petitioners and informant are related as they are descendants of common ancestors, it is also submitted that dispute is purely civil, if the lease deed is forged then the informant has his remedies available in civil law of getting the lease deed canceled but institution of a criminal case is definitely an abuse of process of the Court.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Keshariya P.S. Case No. 154 of 2014 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, the learned trial court before accepting the bail bonds of the petitioners shall verify whether any process under Section 82 Cr.P.C. has been issued against the petitioners or not



and if any process under Section 164 Cr.P.C. has been issued against the petitioners, then the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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