

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32196 of 2022

Arising Out of PS. Case No.-258 Year-2021 Thana- TARAIIYA District- Saran

MD. ASLAM S/o Abdul Kalam R/o Village- Mukundpur, P.S.- Taraiya, Dist- Saran (Chapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Satyendra Narayan Singh, Advocate
For the Opposite Party/s :	Mr. Uday Pratap, APP
For the Informant :	Mr. Yashraj Bardhan, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-11-2022 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 467, 468, 420 and 341 of the Indian Penal Code.

Learned counsel for the petitioner submits that petitioner has antecedent of one case and the informant alleges that accused persons, including the petitioner, prepared forged sale deed with regard to his ancestral land and executed the same in favour of Raj Narayan on 20.07.2021, further Malti along with Manjay and Pappu were witnesses and identifier on the sale deed and they are wife and son of Raj Narayan.

Learned counsel for the petitioner submits that



petitioner has been falsely implicated in the present case, it is next committed that if what has been alleged in the FIR is true then institution of the present FIR is definitely an abuse of the process of the Court as the informant has remedies available in civil law of getting the sale deed canceled, it is further submitted that had the sale deed been forged, the informant instead of instituting the present FIR would have moved before an appropriate forum for getting the sale deed canceled but the effort of the informant is to ensure that the petitioner is sent to jail. Learned counsel further submits that till the sale deed is in existence it cannot be presumed even for a while that the said document is forged and fabricated, it is next submitted that similarly situated co-accused has been granted anticipatory bail *vide* order dated 22.11.2022 in Cr. Misc. No. 31963 of 2022.

Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the petitioner but are not able to meet the submissions of the learned counsel for the petitioner that informant has remedies available in civil law for getting the sale deed canceled and institution of the FIR is definitely an abuse of the process of the Court.

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 from today, be released on anticipatory bail on furnishing bail bonds 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/successor court in connection with Taraiya P.S. Case No. 258 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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