

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39042 of 2022**

Arising Out of PS. Case No.-199 Year-2022 Thana- KOTWALI District- Munger

Md. Moin S/o Late Ilyas R/o village- Sujawalpur, P.S.- Muffasil, District-
Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shive Kumar, Advocate

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 30-09-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Kotwali
P.S. Case No. 199 of 2022 registered for the offence under
Sections 420, 341, 323, 504, 34 and subsequently, after 22 days
Sections 467, 469 and 471 has been added in the F.I.R.

The accused/petitioner is named in the F.I.R. and is in
custody since 31.05.2022.

The allegation against the petitioner is to create a false
jamabandi in his favour on the basis of forge genealogical table
for land, where informant also claimed as owner/co-sharer.



Learned counsel appearing on behalf of the petitioner submitted that admittedly, the basis of implication is land dispute, arises out of family partition, where to create pressure, present false criminal case was lodged. It is further submitted that the allegation was not appeared specific, rather it is related with entire property belongs to family of informant. It is further submitted that the essential element of inducement is absent in present case and, as such, the nature of allegation is failed to invite offence, as raised under Section 420 of the Indian Penal Code. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as entire allegation is founded over partition of family property, where allegation of inducement and to create false documents are not appeared specific coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Kotwali P.S. Case No. 199 of 2022 on furnishing bail bond of



Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Munger/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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