

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42392 of 2022

Arising Out of PS. Case No.-224 Year-2021 Thana- SIKARPUR District- West Champaran

1. TANJIM AFROZ @ AFROZ ALAM S/o Md. Shamsuddin R/o village- Prakash Nagar, Ward No. 13, Narkatiyaganj, P.S.- Shikarpur, District- West Champaran
2. Md. Shamsuddin S/o Late Ali Asgar R/o village- Prakash Nagar, Ward No. 13, Narkatiyaganj, P.S.- Shikarpur, District- West Champaran
3. Nandlal Sah S/o Bachcha Sah R/o village- Prakash Nagar, Ward No. 13, Narkatiyaganj, P.S.- Shikarpur, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Nath Jha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

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

The petitioners apprehend their arrest in a case registered for the offence under Sections 406, 420, 467, 468, 471, 384 and 506 of the Indian Penal Code.

The petitioners are alleged to have committed forgery and got executed an agreement with respect to homestead land of informant having area of 7 ½ dhur fraudulently.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that when the husband of the informant was ill, husband of the



informant took loan money from petitioner No.2 and the informant and her husband had assured that they will transfer the land in his favour if they will not return the money. But after the death of the husband of the informant, she refused to return the money and also refused to transfer the land in question in favour of the petitioner No.2 in lieu of the lended money. He further submits that on being said to return the money or execute the land, the informant and her brother had assaulted the petitioner No.2, thereafter a Title Suit No. 25 of 2020 for execution of the agreement has been filed against the informant which is still pending before the competent court of law and in retaliation, the informant has filed the present case against the petitioners. Hence, the petitioners may be granted the privilege of anticipatory bail.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners in the event of arrest of surrender before the court below within a period of four weeks from the date of order be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Shikarpur P.S. Case No. 224 of 2021, subject to the conditions laid down under Section 438(2)



of the Cr.P.C. as also with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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