

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43977 of 2022

Arising Out of PS. Case No.-79 Year-2022 Thana- DURAULI District- Siwan

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Mahanth Rajkeshwar Bharti Chela of Late Mahanth Chandrashekhar Bharti
R/o village- Dow Buzurg Tola Mathiya, P.S.- Darauli, District- Siwan,
(Accused as Musafir Rai @ Mahanth Singh, S/o Jageshwar Rai, R/o village-
Sarana Tola Bacha Rai, P.S.- Darauli, District- Siwan)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Kant Singh, Advocate
For the State	:	Mr. Md. Shakir Ahmad, APP
For the Informant	:	Mr. Ram Binod Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 15-12-2022 Heard learned counsel appearing on behalf of the

petitioner, learned APP appearing on behalf of the State and

learned counsel appearing on behalf of the informant.

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

The petitioner seeks bail in connection with Darauli
P.S. Case No. 79 of 2022 registered for the offence under
Sections 468 and 420 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 04.06.2022.

The allegation against the petitioner is to cheat
informant by creating forged and fabricated document.



Learned counsel appearing on behalf of the petitioner submitted that, admittedly, the present prosecution appears to create a legal pressure on the petitioner to compromise the civil dispute pending between the parties before the learned Trial Court, Siwan. It is further submitted that matter is purely arises out of civil disputes, lasting since 1960, to get the Mahanthship of “Don” Math. It is also submitted that petitioner is otherwise man of clean antecedent, whereas he was found involved in two criminal cases instituted at the instance of the informant, regarding harvesting of crops within the premises of the “Don” Math. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel appearing on behalf of the informant, while opposing the prayer of bail, fairly conceded the fact that civil dipute is pending between the parties. It is submitted that petitioner created a forged document, as regard to his name and address, to grab the property of the informant.

In view of the facts and circumstances, as mentioned above, as, admittedly, civil dispute is pending between the



parties, deciding their rights coupled with the fact that chargesheet has been submitted, where petitioner is in custody since 04.06.2022, let the petitioner, above named, is directed to be released on bail in connection with Darauli P.S. Case No. 79 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 Sub Divisional Judicial Magistrate, Siwan/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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