

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52311 of 2021**

Arising Out of PS. Case No.-48 Year-2019 Thana- BALTHAR District- West Champaran

Urvijay Kant Upadhyay @ Amrit Upadhyay @ Ashutosh Upadhyay, Son of
Late Shatrughan Upadhyay Resident of Village - Dhankutwa, P.O.-
Dhankutwa, P.s.- Balthar, Dist.- West Champaran.

.. ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.
For the Opposite Party/s : Mr. Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 21-02-2022 In view of the order dated 09.02.2022, the learned
counsel for the petitioner submits that he requires two week's
further time for getting the order dated 20.07.2021 rectified.

Heard learned counsel for the petitioner as well as
learned APP for the State.

The petitioner seeks bail in connection with Balthar
P.S. Case No. 48 of 2019 registered for the offences under
Sections 420, 467, 468 and 471 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 08.03.2021, is a person with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that the



informant alleges that he purchased land pertaining to Khata No.292, Kheshra No. 1911 area one kattha from Lakshmi Kant Upadhyay at village Balthar in the name of his wife, Jyoti Upadhyay, but the petitioner along with co-accused sold the land by fraudulently executing sale deed without having any right and title in favour of Sudarshan Padit and Ashutosh Upadhyay @ Amrit Upadhyay @ Urvijay Kant Upadhyay put his signature as witness by putting forged signature of Ashutosh Upadhyay who had already died prior to 2015.

Learned counsel for the petitioner submits that the name of this petitioner is Amrit Upadhyay @ Urvijay Kant Upadhyay and Ashutosh Upadhyay was his elder brother who died prior to 2015 and this petitioner married the widow of Ashutosh Upadhyay and after marriage everyone in the family and in the society started calling him by the name of Ashutosh Upadhyay when his real name is Amrit Upadhyay @ Urvijay Kant Upadhyay. Learned counsel further submits that the petitioner though signed as a witness by portraying himself as Ashutosh Upadhyay but in reality, he is Amrit Upadhyay @ Urvijay Kant Upadhyay. It is further submitted that since he was known after marriage by the name of Ashutosh Upadhyay hence he committed the said mistake of signing as a witness in the



name of Ashutosh Upadhyay. Further the learned counsel submits that from perusal of sale deed executed in favour of the informant, it would manifest that the same was executed on 07.05.2018 whereas the sale deed executed by the wife of this petitioner is dated 05.05.2018 as such it was the informant who had purchased a property which was already sold by Rupa Kumari, wife of this petitioner who was earlier married to Ashutosh Upadhyay. Learned counsel further submits that the matter has been compromised between the parties also.

The learned APP opposes the bail application and submits that till date the said rectification in the cause title of the impugned order dated 20.07.2021 in compliance of the order dated 09.02.2022 has not been done.

Be that as it may, considering the fact that the petitioner is in custody since 08.03.2021, is a person with clean antecedent and charge-sheet has been submitted in the case and the matter has been compromised, the petitioner, above named, is directed to be released on bail on furnishing bail bonds in the sum of Rs.5000/-(Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Bettiah, West Champaran in connection with Balthar P.S. Case No. 48 of 2019.



The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan /-

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