

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46796 of 2022

Arising Out of PS. Case No.-134 Year-2020 Thana- KHAGARIA District- Khagaria

1. RAJ KUMAR TULSYAN Son of Late Mohan Prasad Tulsyan Resident of Village - Mayaram Road, Ward No. 2, Police Station- Khagaria, District- Khagaria.
2. Shiv Kumar Tulsyan Son of Late Bishambhar Prasad Tulsyan Resident of Village - Mayaram Road, Ward No. 2, Police Station- Khagaria, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Viveka Nandsingh, Advocate
For the Opposite Party/s :	Mr. Shantanu Kumar, APP
For the Informant/s :	Mr. S.D. Sanjay, Sr. Advocate
	Ms. Priya Gupta, Advocate
	Mr. Lokesh Kumar, Advocate
	Mr. Rahul Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-12-2022 Heard learned counsel for the petitioners, learned counsel appearing for the informant and learned Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within a period of four weeks from today.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 379, 420, 467, 468, 471, 120(B) of IPC.

According to prosecution case, in brief by informant Neeraj Kumar Tulsyan is that he has about 08 Katha 20 dhur



land under Mauza- Mathurapur, Jamabandi No. 504, Khata No.310/K, Khesra No. 1531. Now Jamabandi is running in his name and he is in possession thereof. Accused persons are dishonest persons who got the registered the land of informant by Mutation Case No. 18/93-94 in the year 1993. This has been done to grab the land of informant. On getting information, an application was given by the informant to the Circle Officer, Khagaria. An application was earlier filed also by the accused persons for mutation whose Case No. was 80/92-93 which was canceled by the Circle Officer. But accused persons has established of the land by making a fraud and setting up wrongly established Jamabandi No. 18/93-94 which comes under the purview of forgery and fraud. On 01.02.2020 accused persons along with other miscreants came at the land of informant started trying to measure and mark the land. On objection they abused, assaulted and snatched Rs. 11,000/- cash and threatened to shot.

Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that there is a land dispute between the parties. He further submits that the police after investigation submitted the final form in favor of the petitioners



and the learned court below deferring with the final form and taken cognizance against the petitioners on 09.01.2022.

The learned counsel for the informant, on the other hand, has vehemently opposed the prayer for bail of the petitioners on the ground that there is direct allegation against the petitioners as per F.I.R. and petitioner no.1 carries five criminal antecedents and petitioner no.2 carries two criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of their arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Khagaria P.S. Case No. 134 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also 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 cancelled 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.

3. 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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