

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4875 of 2023

Arising Out of PS. Case No.-56 Year-2022 Thana- MUFFASIL District- Aurangabad

Rakesh Kumar @ Rakesh Kumar Das S/O Late Basant Ram Resident of village- Narayanpur, P.S.- Piro, District- Bhojpur (Bihar), At present Revenue Karamchari, Block Aurangabad (Town), P.S.- Aurangabad (Town), District- Aurangabad (Bihar).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Birendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Aurangabad (Muffasil) P.S. Case No.- 56 of 2022 registered for the offences punishable under Sections 420, 341, 323, 467, 468, 120(B) and 34 of the Indian Penal Code. He has got no criminal antecedent.

As per the prosecution story, a forged sale of land has been committed through sale deed no. 13650 in which the land was mutated through Zamabandi case no. 104/R-27/20-21 in the name of Dasrath Singh, who had died fifteen years ago. It is further alleged that on the basis of sale deed no. 4848 mutation was done in the name of Babloo Singh vide Zamabandi case no. 2301/R-27/20-21. When the informant inquired she found that



her father had never sold the land. She further alleged that no sale or purchase of the said land can be performed till the disposal of Title Suit which is pending in the court of learned Sub- Judge I, Aurangabad .

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated merely because he is a Revenue Karamchari.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case, this being a case of civil dispute in which the Title Suit No. 74/2020 is pending, no specific role of the petitioner has been assigned and the co-accused have been granted bail by learned Coordinate Bench of this Court in Cr. Misc. No. 34988 of 2022, in these circumstance, this Court directs release of the petitioner above named on bail in the event of his arrest or surrender within a period of four weeks from today in connection with Aurangabad (Muffasil) P.S. Case No.- 56 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Aurangabad, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



And further condition that the court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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